

# CITY COUNCIL PROCEEDINGS

MARCH 21, 2006

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 21, 2006  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, CMC, City Clerk; present.

Mark Brown, of the Native American Spirituality Faith, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the March 7, 2006 meeting were approved 7 to 0.

## AWARDS AND PROCLAMATIONS

### Proclamations

#### Proclamations:

Mayor Mayans read aloud the following Proclamations:

- Black Church Week of Prayer for the Healing of Aids.
- WWII-Salute to the Greatest Generation Days
- Youth Violence Prevention Week

### Recognition

#### Recognition of Sister Cities Youth Art Competition Winner.

Mayor Mayans recognized and congratulated Nathan Hein and presented him with a certificate acknowledging his participation on this award and a check for \$100.00 as a reward for his hard work.

## PUBLIC AGENDA

### John Kemp Sr.

#### A fire station in the South City Area- John H. Kemp Sr.

### John Kemp, Sr.

Mr. Kemp stated that he is the founder and the past president of the K-15 Association and is asking the City Council to think about safety and is asking that the citizens and the City Council to give them a fire station in South City. Stated that with transportation costs going up each day, a lot of over-the-road trucks are going to be eliminated and put in the cars of railroad trains. Stated that has lived in the Dunham Addition for 19 years and wakes up every morning and hears trains. Stated that we will eventually see the trains getting longer and the intersections will have longer down times. Stated that the Council says that they do not have the money to build a fire station in this area and it baffles him to see thousands of dollars being spent on art work to beautify the City, but cannot spend a dollar to build a fire station for the safety of the people that live in Wichita. Stated that he is begging and pleading with the City Council to think about safety in South City and that they do not need a full station and would be happy with half a fire station with one truck and seven fire fighters.

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- Council Member Skelton Council Member Skelton asked Mr. Kemp to provide his petition to the City Clerk so that she could make copies for each Council Member and that the primary issue for District III is this fire station, which affects nearly every neighborhood in this district. Stated that the City Council does have a responsibility to look at all options, including a one-truck fire station and that currently the City is working with the County to define agreements and upon conclusion of this study, which should be this summer, he thinks the City should move forward with a plan to address the needs of this community.
- Mayor Mayans Mayor Mayans stated that we have the money to build the fire station but that it is a political body and will need four votes to do it. Stated that it is a matter of getting all of the City Council Members to move in the same direction and there is no question that the primary role of government is the protection of human life.
- Council Member Fearey Council Member Fearey stated that the fire issue does not just affect one district but also affects Districts II and V, as the Council has allowed the City to grow, we have to provide service to everybody. Stated that she does not feel that anybody on this Council disagrees that we probably have the money to build a fire station. Stated that we can delay streets and sidewalks but that staffing this fire department is a different issue. Stated that each year costs with staffing go up and the budget is taken up more and more by staffing and that they need to look at that and everything that they provide for the citizens. Stated that she feels that public safety is number one but public safety can be a lot of things such as having the right recreational services at our parks so that our young children have a place to go after school and do not join gangs. It can be providing a place in a park for a health service provider to go to give the necessary things for people's safety. Stated that this is a huge issue and she does not want people to think that the money is there, so let's just build it, because it is much bigger than that. Stated that the Council is working on it and hears the citizens and will continue working on this.
- Robert D. Moore Providing security for private parties for public safety-Robert D. Moore.  
(Mr. Moore was not present)

## CONSENT AGENDA

- Council Member Skelton Council Member Skelton requested that item 23 be pulled for discussion.
- Motion-- Mayans moved that the Consent Agenda items be approved in accordance with the recommended action shown thereon excluding item 23. Motion carried 7 to 0.  
--carried

## **BOARD OF BIDS**

### **REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 13 AND MARCH 20, 2006.**

Bids were opened March 10 and March 17, 2006, pursuant to advertisements published on PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications:

Lateral 2, Main 18 FMCS to serve Casa Bella Addition - north of Pawnee, west of 127th Street West. (468-84072/744165/480853) Traffic to be maintained during construction using flagpersons and barricades. (District II)

McCullough Excavation - \$106,450.00

2006 Contract Maintenance Asphalt Hot-in-Place Repaving - west of Woodlawn, south of 29th Street North. (472-84371/132719/) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V)

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Cutler Repaving Co. Inc. - \$440,799.95 (Engineer's estimate)

Lateral 6, Main 14 Four Mile Creek Sewer to serve Reed's Cove 4th Addition - east of 127th Street East, south of 21st Street North. (468-84153/744176/480864) Does not affect existing traffic. (District II)

McCullough Excavation - \$71,450.00

Drainage Hot Spots Improvements at 505 N. Rock Road to serve Woodlawn East Addition - west of Rock Road, north of Central. (468-84076/660507/854117) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Dondlinger & Sons - \$14,875.00

Drainage Hot Spots Improvements at 119th Street West to Lark - east of 119th Street, south of Kellogg. (468-84084/660505/854115) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Pearson Excavating Inc. - \$21,721.20

Water Distribution System to serve Casa Bella Addition - north of Pawnee, west of 127th Street East. (448-90113/735296/470967) Does not affect existing traffic. (District II)

Padgett Excavation Inc. - \$68,814.20

Lateral 2, Main 5 Cowskin Interceptor Sewer to serve Harvest Ridge Addition - south of 31st Street South, west of Maize. (468-83660/744174/480862) Does not affect existing traffic. (District V)

Padgett Excavation Inc. - \$101,349.25

Lateral 7, Main 5 Northwest Interceptor Sewer to serve Liberty Park 2nd & 3rd Additions - south of 13th Street North, east of 135th Street West. (468-83730/ 744175/480863) Does not affect existing traffic. (District V)

Mies Construction - \$129,773.50

Storm Water Drain #280 to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (468-84113/751413/485304) Does not affect existing traffic (District II)

Mies Construction - \$440,000.00

Storm Water Drain #276 to serve Casa Bella Addition - north of Pawnee, west of 127th Street East. (468-84073/751414/485035) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$547,892.95

Lateral 2, Main 6 Cowskin Interceptor Sewer to serve Turkey Creek Addition - north of Pawnee, west of 119th Street West. (468-83819/744173/480861) Does not affect existing traffic. (District V)

Nowak Construction - \$147,407.37

Motion--

--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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WATER DEPARTMENT/SEWAGE TREATMENT DIVISION: Access Control for Four Sewage Treatment Plants (1, 2, 3, and 4).

Sandifer Engineering & Controls Inc.\* - \$54,059.00

\*Purchases utilizing Sole Source of Supply-Ordinance No. 35-856, Section 2.(b)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Herbicides and Fertilizers.

Van Diest Supply Co.\* - \$3,628.64 (Group 1 total net bid)

\*Award redirected

PARKS & RECREATION DEPARTMENT/CENTURY II DIVISION: Stage Lighting Fixtures.

Associated Theatrical Contractors – \$38,936.00 (Total Net Bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Overhead Power Line Construct.

Tiedes Line Construction, Inc. - \$2,700,000.00\* (Total Net Bid)

\*Negotiated to Engineer's Estimate

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: City Hall Garage Repairs.

Western Waterproofing - \$181,201.00 (Group 1/Base Bid)

150,301.00 (Group 1/Option 1)

98,848.00 (Group 1/Option 3)

21,765.00 (Group 1/Option 4)

\$452,115.00 (Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT: Drainageway Mowing.

Commercial Lawn Management LLC - \$37,377.72\* (Total Net Bid)

\*Estimate – Contract approved on unit cost basis

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Ultraviolet 400 Lamp Assembly, Ultraviolet 4000 Sleeve Assembly, Ballasts and Trojan Ultraviolet Wiper Seals.

Ray Lindsey Company\* - \$33,310.00 (Plus freight)

\*Purchases Utilizing Sole Source of Supply - Ordinance No. 35-856 Section 2. (b)

PARKS & RECREATION DEPARTMENT/RECREATION DIVISION: Canoe Launch South Arkansas Greenway Park.

Laser Contracting Inc. - \$322,647.00 (Group 1/Total Base Bid)

Motion-  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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## LICENSES

### APPLICATIONS FOR LICENSES:

#### Renewal

Valerie Washington	Xcitement Video	1306 East Harry
Valerie Washington	Xcitement Video	1515 South Oliver

Motion--  
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Jose A. Garcia	Garcia's Tacos*	2138 North Market
Vanessa Pham	Jo Chau Restaurant Orient Cuisine *	4875 East Pawnee

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Jaygatha Patel	Shiva LLC	1826 West 13th Street
Dwayne Kohns	Sunrise Car Care	6307 East 13th Street

<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
David W. Dewey	Old Cowtown Museum*	1871 Sims Park Drive
Debbie L. Williams	Wichita Ice Center	505 West Maple
David Lee	Taiwan Chinese Restaurant*	2140 West 21st Street

<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Greg Johnson	Whata Stop #1	1203 East Pawnee

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- Water Distribution System for a new Goddard School building N/A - north of Kellogg, east of 167th Street West. (448-90060/735245/470916) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$497,300.00
- Lateral 1, Main 1, Boeing Sewer to serve Clifton Cove Addition - south of 63rd Street South, east of Hydraulic. (468-84023/744166/480854) Does not affect existing traffic. (District IV) - \$623,000.00
- Lateral 6, Main 3 Northwest Interceptor Sewer to serve Eberly Farm Office Park Addition - south of 21st Street North, east of 135th Street West. (468-84109/744164/480852) Does not affect existing traffic. (District V) - \$97,630.00
- Lateral 1, Main 18 Four Mile Creek Sewer to serve McEvoy Addition - south of Harry, west of 127th Street East. (468-84033/744132/480820) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$338,800.00

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- e) 2005-2006 CDBG Drive & Parking Lot Improvements Planeview Park, Phase 1 - south of Fees, east of Jewett. (472-84349/092010/785065/800502/395197) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$239,913.00
- f) 2006 Contract Maintenance Area Concrete Street Repairs, Phase 1 - north of 33rd Street South, west of Woodlawn. (472-84369/132719/620426/\_/665546) Traffic to be maintained during construction using flagpersons and barricades. (District I, III, IV) - \$185,500.00
- g) Decel Lane on south side of 21st Street North to serve Cross Pointe Addition - south of 21st Street North, east of Greenwich. (472-84229/765979/490094) Does not affect existing traffic. (District II) - \$45,621.00
- h) Kellogg Avenue (US-54)/Rock Road Interchange, Part 9, Grading, Concrete Pavement, Utilities, Seeding (Temporary) and Lighting for a section of the North Frontage Road near Armour and the Armour Frontage Road - Frontage Road along Kellogg at Armour. (54-87K 8258-09/472-84323/702346/401361) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$975,000.00
- i) 17th Street North Drainage Improvements, Broadway to I-135, Phase I - north of 13th Street North, east of Broadway. (472-84392/706953/206419) 17th Street to be closed during construction. (District VI) - \$999,999.19

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENT:

#### AUBURN HILLS

#### PETITIONS TO CONSTRUCT PAVING, SANITARY SEWER, DRAINAGE AND WATER IMPROVEMENTS IN AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, EAST OF 151ST STREET WEST. (DISTRICT V)

Agenda Report No. 06-0258

On November 1, 2005, the City Council approved paving, sanitary sewer, drainage and water improvement petitions for Auburn Hills 16th Addition. The developer has submitted new petitions that modify the projects for marketing purposes. The new Petitions have been signed by one owner representing 100% of the improvement districts.

The projects will provide paving, sanitary sewer, drainage and water improvements within a residential development located south of Maple, east of 151st St. West.

The original Petitions total \$3,515,197. The new Petitions total \$4,366,185. The funding source is special assessments except for a water petition, which has \$25,000 payable by the Water Utility for over sizing pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Motion--  
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

### RESOLUTION NO. 06-132

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90122 (south of Maple, east of 151<sup>st</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-133

Resolution of findings of advisability and resolution authorizing construction of Water Distribution system Number 448-90123 (south of Maple, east of 151<sup>st</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-134

Resolution of findings of advisability and resolution authorizing construction of Lateral 50, Cowskin Interceptor Sewer, 468-84090 (south of Maple, east of 151<sup>st</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-135

Resolution of findings of advisability and resolution authorizing construction of Lateral 51, Cowskin Interceptor Sewer, 568-84091 (south of Maple, east of 151<sup>st</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-136

Resolution of findings of advisability and resolution authorizing constructing pavement on Fawnwood from the north line of Lot 11, Block A, north to the south line of Valley Hi Road, on Hayden, from the east line of Fawnwood, east and north to the south line of Valley Hi Road, and on Valley Hi Road from the east line of the plat, west to the west line of Lot 31, Block G, and on McCormick Cir. (Lots 12 through 20, Block A), from the west line of Fawnwood, west to and including the cul-de-sac, on McCormick Cir. (Lots 4 through 20, Block E) from the east line of Fawnwood, east to and including the cul-de-sac; on Valley Hi Ct. (Lots 18 through 28, Block G), from the north line of Valley Hi Road, north to and including the cul-de-sac; and on Valley Hi Ct. (Lots 4 through 17, block g), from the north line of Valley Hi Road, north and east to and including the cul-de-sac and that sidewalk be constructed on Fawnwood, Hayden, and Valley Hi Road (south of Maple, east of 151<sup>st</sup> St. West) 472-84292 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-137

Resolution of findings of advisability and resolution authorizing construction Pavement on Onewood from the east line of the plat, west to the east line of Fawnwood, on Fawnwood from the north line of Lot 11, Block A, south to the south line of the plat, on Moscelyn and Moscelyn ct. from the west line of Fawnwood, west to the west line of the plat, and on City View from the south line of Onewood, southwesterly to the southwest line of Lot 13, Block C and that sidewalk be constructed on Onewood, Fawnwood and Moscelyn (south of Maple, east of 151<sup>st</sup> Street West) 472-84290, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-138

Resolution of findings of advisability and resolution authorizing constructing pavement on Fawnwood from the north line of Valley Hi Road, north to the north line of the plat, on Fawnwood Ct. (Lots 65 through 73, Block A) from the west line of Fawnwood, west to and including the cul-de-sac, on Valley Hi Road and Valley Hi Cir. from the west line of Lot 31, Block G, west to and including the cul-de-sac and on Fawnwood Ct. Lots 39 through 48, Block A) from the west line of Fawnwood, west to and including the cul-de-sac; on Fawnwood Ct. (Lots 49 through 61, Block A) from the west line of Fawnwood, west to and including the cul-de-sac; on Fawnwood Ct. (Lots 34 through 40, Block G) from the east line of Fawnwood, east to and including the cul-de-sac; and on Fawnwood Ct. Lots 41 through 46, Block G) from the east line of Fawnwood, east to and including the cul-de-sac and that sidewalk be constructed on Fawnwood and Valley Hi Road (south of Maple, east of 151st St. West) 472-84291 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUITON NO. 06-139

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 278, 468-84092 (south of Maple, east of 151<sup>st</sup> Street West) 468-84092 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUITON NO. 06-140

Resolution of findings of advisability and resolution authorizing constructing pavement on City View and City View Circle from the southwesterly line of Lot 13, Block C, southwesterly to and including the cul-de-sac and on City View Court from the west line of City View, west to and including the cul-de-sac, 472-84393 (south of Maple, east of 151<sup>st</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## CASA BELLA

### **PETITION TO CONSTRUCT STORM WATER DRAIN IN CASA BELLA ADDITION, NORTH OF PAWNEE, WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 06-0259

On December 20, 2005, the City Council approved a Petition to construct a storm water drain in Casa Bella Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Pawnee, west of 127th St. East.

The existing Petition totals \$568,000. The new Petition totals \$685,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

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Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUITON NO. 06-152

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 276, 468-84073 (north of Pawnee, west of 127<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ADVIS. BOARD MIN. MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees, Quarterly Meeting, November 10, 2005  
Deferred Compensation Board of Trustees, Special Meeting, December 15, 2005  
Wichita Public Library, Monthly Report, January 2006  
Wichita Employees' Retirement System, Regular Board Meeting, January 18, 2006  
Housing Advisory Board, January 18, 2006  
Police & Fire Retirement System, Annual Board Meeting, January 25, 2006  
District III Advisory Board, February 1, 2006  
Wichita Employees' Retirement Board/ Police & Fire Retirement Board  
Joint Investment Committee, Regular Meeting, February 2, 2006  
Wichita Airport Advisory Board, February 6, 2006  
Design Council, February 16, 2006  
Wichita Public Library, Regular Meeting, February 21, 2006  
District VI Advisory Board, March 1, 2006  
District II Advisory Board, March 6, 2006

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

## STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 06-0260

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

- 1) Wedding at North Riverside Park – Saturday, July 8, 2006 from 4:00–9:30 pm  
· West Oak Park Drive – from 11th Street to Bitting.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period

- 2) Easter Egg Party at Watson Park – Saturday, April 8, 2006 from 9:00 am – 1:00 pm  
· Old Lawrence Road from Carp Street South up to and including 3020 S. Old Lawrence (address of Holland Paving).

Park staff will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period

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Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets be approved. Motion carried 7 to 0.

--carried

## FAIRMONT 4<sup>TH</sup>

### **RESPREAD ASSESSMENTS: THE FAIRMONT FOURTH ADDITION, NORTH OF 21ST STREET NORTH, WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 06-0261

The landowner, Fairmont, L.L.C., platted The Fairmont 4th Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## SOUTHERN RIDGE

### **RESPREAD ASSESSMENTS: SOUTHERN RIDGE FOURTH ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)**

Agenda Report No. 06-0262

The landowner, Maize Road, L.L.C., platted Southern Ridge 4th Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a storm water drain project. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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## ART MUSEUM

### WICHITA ART MUSEUM INC., PERFORMANCE CONTRACT FOR THE ARTS.

Agenda Report No. 06-0263

On February 8, 2005 the City Council approved the formation of the Cultural Funding Committee consisting of 11 members. Members of City Council appointed 7 members. The Arts Council appointed 4 members. The committee consisted of representatives from government, education, business, philanthropy, arts organizations and the public at large. The committee was assigned the responsibility to make recommendations to members of City Council on allocation of additional performance funding for Tier II and Tier III arts and cultural organizations in the amount of \$719,000.

§ The City must protect its current investments in the organizations that have become an integral part of our community's culture. Through historical agreements, the City has made substantial investments to purchase, promote, and maintain the Wichita Art Museum.

Approval of the Wichita Art Museum, Inc., a Tier I organization, Performance contract will provide the City of Wichita with a fair and equitable contract in which to measure performance based outcomes. Performance goals assist in supplying accountability and assurance of the use of City funding allocated appropriately with measurements.

Finance department has reviewed the proposed contract specific to performance goals and measurements.

Law department has prepared and approved the form of the proposed contract.

Motion--  
--carried

Mayans moved that the Wichita Art Museum, Inc Performance contract for the 2006 fiscal year be approved. Motion carried 7 to 0.

## N. AREA SEWER

### NORTH AREA SANITARY SEWER. (DISTRICT VI)-SUPPLEMENTAL.

Agenda Report No. 06-0264

On September 14, 2004, the City Council approved a Contract with MKEC Engineering Consultants, Inc. to provide engineering and design services for the North Area Sanitary Sewer. The North Area Sanitary Sewer will serve an area bound by West Street, the Little Arkansas River on the east, one-half mile north of 61st Street North and approximately one-fourth mile south of 53rd Street North.

The Request for Proposals for the North Area Sewer project contained an option for the design consultant to perform construction inspection. Staff recommends that MKEC Engineering Consultants, Inc., the design consultant, fulfill that option.

The cost for the above-mentioned Construction Phase Inspection Services will not exceed \$180,000. Funding is available in CIP S-5, Mains for Future Development. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

The Law Department has reviewed and approved the Supplemental Agreement as to form.

Motion--  
--carried

Mayans moved that the Supplemental Agreement with MKEC Engineering Consultants be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## HESS MOTOR

### HESS MOTOR REPLACEMENTS-SUPPLEMENTAL.

Agenda Report No. 06-0265

Hess Pump Station is a vital component of the City's water supply system. In 2001, two of the eight synchronous pump motors in the pump station burned out and were replaced with larger induction motors. In 2002, a third motor burned out and was replaced along with two more motors in 2003.

The remaining three motors are of similar age and condition to the motors that have previously failed and were replaced. Replacement of the remaining three motors is necessary. It will also be necessary to replace the variable frequency drive (VFD) on one pump and to replace the eddy-current coupling on another pump with a VFD.

Black and Veatch, who designed the original pump station, designed the projects to replace motors in 2001 and 2003. Staff asked Black & Veatch to provide a proposal for engineering services for replacement of the final three motors and two VFDs.

The project, including engineering and construction, is estimated to cost \$1,605,000. The construction portion will be partially funded through an EPA grant for water and wastewater infrastructure. The grant will fund \$605,000 of the construction and the Utility will fund \$1,000,000.

Hess Motor Replacement, CIP W-902, has a budget of \$1,000,000. The cost of Supplemental Agreement No. 2 with Black & Veatch is \$145,000 and will be funded through W-902. The Utility's portion of the costs will be funded from future revenue bonds and/or Water Utility cash reserves.

The Resolution and Supplemental Agreement have been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the expenditure be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

### RESOLUTON NO. 06-141

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$1,000,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## SEASONAL EMP.

### CONTRACT RENEWAL AND MODIFICATION-SEASONAL EMPLOYMENT.

Agenda Report No. 06-0266

On March 25, 2003, the City Council approved a contract to out-source the staffing of most seasonal and part time positions in the City. Under this contract, over \$2 million in part time staffing costs have been transferred to an outside contract. This arrangement has improved the speed at which seasonals could be placed on the job, reduced workloads (seasonal recruitment, interviewing, testing, etc) for a variety of City staff, improving focus on core job functions, and reduced City pre-employment and workers compensation costs. The placement speed was particularly valuable during the Ice Storm clean up in 2005. Contracted seasonals are used primarily in the Park Department, for umpires, recreation staff, and seasonal maintenance staff. Other uses included clubhouse and maintenance staff at the City golf courses as well as selected usage in Water and Sewer and the Airport. The contractual arrangement currently provides an administrative fee of 29% to the contractor, in addition to gross wages.

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A review of this contract has occurred annually. Qualitatively, the contractual arrangement continues to be successful. Employees were provided by the vendor only days and hours after being requested, saving recruitment time that extended longer previously. This translates into greater flexibility and better responsiveness for City operations. The vendor did survey City staff on the qualitative aspects of the program, and the composite rating was between "excellent" and "good" with 96% of respondents rating the overall customer services as "excellent."

For the last contract year, the contractor processed over 15,000 payroll checks, with up to 600 part time staff employed during peak weeks in the summer. In addition, an estimated \$75,000 in pre-employment costs (physicals, drug tests, advertising, etc) was saved, by shifting these responsibilities to the vendor. Staff time savings for recruitment, hiring and interviewing are estimated at several thousand hours.

Shifting \$2.3 million in wages has saved the City from fringe benefit costs. This includes approximately \$185,000 in Social Security and unemployment savings. However, the largest savings has been in workers compensation costs. The vendor has experienced a workers compensation rate of nearly 7%; costs that the City has directly avoided. Because of the higher workers compensation exposure, the City and vendor have negotiated a contract modification to provide a 30% administrative charge, compared to the current 29% charge.

Funding for part time contracted wages is included in departmental budgets to cover the costs of the contract. The modified administrative charge of 30% will increase costs an estimated \$24,000. This amount will either be absorbed within existing budgets, or the amount and/or average wage rate paid will be decreased to fund the increased administrative fee.

The contract modification has been reviewed by the Law Department and approved as to form.

Motion--  
--carried

Mayans moved that the contract renewal and modification with Human Resources Management Services d/b/a Syndeo be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROP SHOP SALES

### AGREEMENT FOR GOLF COURSE PRO SHOP SALES SERVICES.

Agenda Report No. 06-0267

The City currently operates five municipal courses. City staff performs all the maintenance functions at these courses. The Department of Park and Recreation has assumed clubhouse activities within and have hired City-employed golf professionals at all five golf courses. Three of these agreements are renewals of the agreements approved by City Council on April 6, 2004. Two are new agreements with additional golf professional positions approved by City Council on September 20, 2005.

It is the intent of the Department of Park and Recreation to have the golf professionals be responsible for stocking all golf-related inventory at these facilities, thereby alleviating the City for golf apparel and equipment expenses. City-employed golf pros will then lease floor space at the clubhouses for 3% of their gross sales. The proposed agreements include a two-year term.

The agreement will provide a modest amount of additional revenue for the Golf Fund and reduce expenditures for golf-related inventory.

The agreements have been approved as to legal form by the Department of Law.

Motion--  
--carried

Mayans moved that the agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

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MAAIC

## **MID-AMERICA ALL-INDIAN CENTER IMPROVEMENTS (MAAIC). (DISTRICT VI)**

Agenda Report No. 06-0269

The Mid-America All-Indian Center (MAAIC) is the only Native American organization in Wichita, which provides tourism activities, Native American cultural programs and social services to Native Americans.

City Council at their October 4, 2005 meeting approved a CIP project, which would provide needed improvements and modifications to the facility and authorized staff to select a consultant.

On November 29, 2005, Purchasing advertised Request for Proposal No. FP500105 for consultant services for design, construction documents and construction administration for the planned improvements/modifications. Only one proposal was received from the firm of Schaefer Johnson Cox Frey Architecture (SJCF).

They propose to provide architectural and engineering services and other related items for a single stipulated lump sum fee of forty nine thousand two hundred dollars (\$49,200.00).

Since this is a "single source response" and the firm responding was the original architect for the facility and their proposed fee is within the approved budget, a contract was negotiated without the Staff Screening and Selection Committee being convened.

The project is authorized in the approved 2005-2014 Capital Improvement Program (CIP) (Project No. 435414, OCA No. 792482) at \$150,000 in 2006 and \$450,000 in 2007 for a total of \$600,000. The funding source is General Obligation bonds.

The Law Department has approved the Contract as to form.

Motion--  
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

FALCON FALLS

## **STAKING IN FALCON FALLS SECOND AND THIRD, FALCON FALLS COMMERCIAL ADDITIONS, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)-SUPPLEMENTAL.**

Agenda Report No. 06-0270

The City Council approved the storm drainage and paving improvements in Falcon Falls 2nd & 3rd, Falcon Falls Commercial Additions on August 16, 2005. On January 10, 2006 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$39,480 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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**KRUG 2<sup>ND</sup> ADD.**

**STAKING IN KRUG NORTH SECOND ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)**

Agenda Report No. 06-0271

The City Council approved the paving improvements in Krug North 2nd Addition on August 2, 2005. On December 20, 2005 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$7,470 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

**21<sup>st</sup> St. Kids**

**STAKING IN 21ST STREET KIDS AND FAMILY EMPOWERMENT, NORTH OF 21ST STREET, WEST OF GROVE. (DISTRICT I)**

Agenda Report No. 06-0272

The City Council approved the paving improvements in 21st Street Kids & Family Empowerment Addition on October 18, 2005. On December 13, 2005 the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to PEC will be on a lump sum basis of \$15,250 and will be paid by General Obligations Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## **WOODLAND LAKES     WOODLAND LAKES ESTATES THIRD AND FOURTH ADDITIONS, SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 06-0273

The City Council approved the water distribution system and paving improvements in Woodland Lakes Estates 3rd & 4th Additions on September 21, 2004.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system and paving in Woodland Lakes Estates 3rd & 4th Additions. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$15,600 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## **CONTS/AGRMNTS     CONTRACTS AND AGREEMENT RENEWALS REPORT FOR FEBRUARY 2006.**

Motion--carried     Mayans moved that the file be received. Motion carried 7 to 0.

## **UNSAFE STRUC.     REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)**

Agenda Report No. 06-0275

On March 6, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on the following seven (7) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Violation notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 525 North Mathewson	I
b. 1413 East 9th St.	I
c. 1132 North Grove	I
d. 1322 North Chautauqua	I
e. 1216 North Dellrose	I
f. 2920 East Stadium	I
g. 1735 East McFarland	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

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Motion--

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on May 9, 2006 at 9:30 a.m. or as soon thereafter be adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 06-125

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 44 and 45, Shirk's Addition to Wichita, Sedgwick County, Kansas, known as 525 North Mathewson may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-126

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: lots 17 and 18, on Frisco, now 9<sup>th</sup> Street, Tilford's Second Addition to Wichita, Sedgwick County, Kansas, known as 1413 East 9<sup>th</sup> Street, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-127

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 25 and 27, Block 6, Esterbrook Park Addition to Wichita, Sedgwick County, Kansas, known as 1132 North Grove may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-128

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 30 and 32, on Mt. Olive, now Chautauqua Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas, known as 1322 Chautauqua may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-129

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 31 and 32, Block 8, Country Club Heights, Wichita, Sedgwick County, Kansas, known as 1216 North Dellrose may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-130

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lot 33, Block 13, Shadybrook Addition to Wichita, Sedgwick County, Kansas, known as 2920 East Stadium may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-131

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 7, Block 6, Detwilder's Addition to Wichita, Sedgwick County, Kansas, known as 1735 East McFarland may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### **SIDEWALK EASMNT SIDEWALK EASEMENT AT 2400 NORTH JARDINE. (DISTRICT I)**

Agenda Report No. 06-0276

On June 21, 2005, the City Council approved leasing a portion of the former Heartspring site at 2400 North Jardine to the Boys and Girls Club of South Central Kansas and TOP School North Charitable Foundation. These two organizations are building facilities to serve the community. As part of the agreements, the City committed to provide infrastructure improvements to support these projects. These improvements include work on the interior public streets that serve the site.

In order to reconstruct and improve the interior streets, additional right of way is needed for sidewalk construction. While the City is the owner of the property, it is necessary that an easement be granted so that the right of way becomes public record in case ownership was to transfer at some time in the future. To accomplish this, the easement form has the City as owner formally granting an easement to the City at large.

There is no financial impact associated with granting the easement.

The Law Department has approved the easement as to form.

Motion--  
--carried

Mayans moved that the easement be granted and the necessary signatures authorized. Motion carried 7 to 0.

### **SRS AGREEMENT EXTENSION OF PURCHASE OF SERVICE AGREEMENT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, (SRS).**

Agenda Report No. 06-0277

In March 2004, the City of Wichita entered into a purchase of service agreement with the Kansas Department of Social and Rehabilitation Services (SRS) for the City's Career Development Office (CDO) to provide employment preparation and job placement services to welfare recipients. The agreement can be extended for two one-year periods. The first extension was executed in March 2005. The state has offered the city a second extension at the same funding level.

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The CDO has worked with 666 welfare recipients between April 2005 and January 2006, with 237 active clients. The annual placement goal is 125. In the last ten months, 162 clients have been placed with an average wage of \$7.86 per hour and a retention rate of 90.6%.

The agreement of \$562,008.72 will cover the expenses of the CDO to provide services to welfare recipients of Sedgwick County and will not obligate general fund monies.

The Law Office has reviewed and approved the extension to the provider agreement.

Motion--  
--carried

Mayans moved that the SRS Provider Agreement extension be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **NUISANCE ABATE.**

### **NUISANCE ABATEMENT ASSESSMENTS.**

Agenda Report No. 06-0278

The Department of Environmental Services supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Health bills the cost to the property owner.

State law and city ordinances allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Health is requesting permission for the Department of Finance to process the necessary special assessments.

Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$108,313.11; weed mowing charges total \$18,713.28

These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Motion--  
--carried

Mayans moved that the proposed assessments be approved and the ordinances placed on first reading. Motion carried 7 to 0.

### **ORDINANCE**

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

### **ORDINANCE**

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

## **IRRIGATION SYS.**

### **IRRIGATION SYSTEMS REPLACEMENT AND UPGRADE.**

Agenda Report No. 06-0279

The City has invested heavily into irrigation systems for Kellogg expansion, parks, and right-of-ways in the past fifteen years for improved visual image of landscaping and safety of athletic fields. Renovation and updating of central controls and system components is necessary to maintain operational and efficient irrigation systems, to maintain compliance of new city and state codes for protection of the

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city's potable water through backflow prevention, and to protect the investment in landscaping with fully operational irrigation systems. Irrigation system expansion and new irrigation systems will also eliminate costly and inefficient manual watering in several areas.

The City has extensive irrigation systems with over 190 irrigation controllers, over 1,800 irrigation valves, and over 22,000 irrigation heads scattered throughout the city parks and rights-of-way.

The largest investment in irrigation systems and landscaping has been along the Kellogg corridor. This extensive system contains over 30 controllers, 500 valves and 10,000 irrigation heads. The central irrigation control system is currently a Toro Irrinet system that has become obsolete, with no local technical support, and is inoperable in several locations. It is in need of replacement with a central irrigation control system that will allow for expansion for added highway and park applications, and for irrigation management for water conservation.

A request for proposal has been developed for an updated central irrigation control system for Kellogg. Maintenance and operation of existing irrigation systems will be the first priority for investment. Remaining funds will be invested in expanded irrigation systems in Riverside Park, South Lakes Sports Complex, and other athletic fields.

The Park Capital Improvement Plan includes \$200,000 in both 2005 and 2006 for irrigation system renovation and replacement. The funding source is General Obligation bonds.

The Law Department has approved the Resolution as to form.

Motion--  
--carried

Mayans moved that the Resolution be adopted; the initiation of the project and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-142

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the labor, material, and equipment to update the central Irrigation control system for Kellogg and expand irrigation systems in Riverside Park, South Lakes Sports Complex and other athletic fields, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## PARK LIGHTING

### PARK LIGHTING. (DISTRICT IV)

Agenda Report No. 06-0280

In keeping with the recent approved Safe and Secure Community Goal approved by City Council, the Park and Recreation Department strives to improve nighttime use of park facilities and recreation centers through these various lighting projects.

The 2006 Park Capital Improvement Program (CIP) includes \$100,000 for the placement of outdoor lights in new and existing parks and replacement of damaged light fixtures at existing parks, park facilities, and recreation centers. Funding will provide for improvements to West Douglas Park athletic fields.

The 2006 Park CIP includes \$100,000 for the construction and replacement of park lighting at City parks, park facilities, and recreation centers. The funding source is general obligation bonds.

The Law Department has approved the Resolution as to form.

Motion--  
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project and the necessary signatures authorized. Motion carried 7 to 0.

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## RESOLUTION NO. 06-143

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the labor, material, and equipment for park lighting improvements or renovations to West Douglas Park Athletic Fields, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### CHILDCARE LIC.

#### CHILDCARE LICENSING GRANT APPLICATION.

Agenda Report No. 06-0281

The Environmental Services Department conducts inspections of childcare facilities and provides education for childcare providers within Sedgwick County on behalf of the Kansas Department of Health and Environment. KDHE provides an annual grant to fund these activities, and has solicited Environmental Health's application for state fiscal year 2007 (July 1, 2006 through June 30, 2007) funding.

The grant application deadline was March 15, 2005. Under authority of City of Wichita Administrative Regulation No. 2.4, the City Manager is authorized to submit the grant application where delay would invalidate the grant application.

The City has conducted childcare licensing and education services for in excess of thirty years, providing a local point of contact for citizens and providers. Local operation of the program also enhances coordination with other agencies involved, such as the Fire Department and Office of Central Inspection. Environmental Services staff members enforce state regulations and utilize state enforcement mechanisms, as appropriate.

The grant request for state fiscal year 2007 totals \$334,000. The program is also supported by the City's General fund in the amount of \$146,214; the local contribution is largely offset by inspection fees, which are estimated at \$139,000 for state fiscal year 2007. If State funding and locally generated fees are received as projected, grant funding and user fees will cover all but \$7,214 of the total program cost of \$480,214.

The grant award will be reviewed by the Department of Law upon receipt for approval as to form, and submitted to the Council for acceptance.

Motion--carried

Mayans moved that the grant application be authorized. Motion carried 7 to 0.

### WEAPON DESTRUC.

#### WEAPONS DESTRUCTION.

Agenda Report No. 06-0282

The Police Department has requested authorization to destroy several weapons, which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department for use or sale. All transactions involving weapon disposal must have prior approval of the City Manager. Lists of weapons being destroyed have been provided and includes Exhibit A – 49 long guns and 73 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion--carried

Mayans moved that the list of weapons be received and filed. Motion carried 7 to 0.

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SEALPAK

## SETTLEMENT OF SEALPAK CONDEMNATION APPEAL. (DISTRICT V)

Agenda Report No. 06-0283

In 2002 the Council authorized the acquisition by eminent domain of Sealpak's Hoover Road property in connection with the project to improve Hoover Road between Kellogg and K-42. The court appointed appraisers awarded the owner \$450,000 for the property and the City paid this amount into court. The owner appealed. After a trial the jury awarded the owner \$710,000. The City appealed to the Supreme Court of Kansas. The City won the appeal and the case was returned to the district court for a retrial.

During preparation for the trial of this matter, the owner offered to settle its appeal if the City would pay an additional \$151,000.00. This would result in a total payment to the owner for the property of \$601,000. The City's outside counsel estimated that the costs of proceeding with the trial would be close to \$30,000 and concluded that there was a significant risk that the jury award in the retrial and the trial expenses would likely exceed \$600,000.

The cost of acquiring this property will be paid out of the Hoover Road project.

Both outside counsel and the Law Department believe that it is likely that the City would be obligated to pay more than \$600,000 in damage award and costs after a retrial. Both recommend acceptance of the owners offer to settle the matter for \$601,000.

Motion--  
--carried

Mayans moved that the payment of an additional \$151,000.00 in full settlement of the pending condemnation appeal, Case No. 02 C 3037 be authorized. Motion carried 7 to 0.

(Agenda Item No. 22  
JAYHAWK USA 9

## REPAIR AND REFURBISHMENT OF JAYHAWK USA 9. (This Item was pulled from the Agenda)

(Item 23)  
FIRE APPARATUS

## 2005-2006 FIRE APPARATUS REPLACEMENT PROGRAM. (DISTRICTS I, III, IV, V AND VI)

Agenda Report No. 06-0285

The Fire Department heavy equipment fleet consists of 33 pieces of front-line equipment, including five aerial platforms, 16 engines (pumpers), six quints, one heavy rescue, two mobile air trucks, one tender, one hazardous materials truck and one command vehicle. To ensure service readiness at all times, accommodate training needs and maintain the City's fire insurance (ISO) rating, the fleet also includes seven reserve units, for a total of 40 fire heavy apparatus. With an average service life ranging from 10 to 20 years, several pieces of equipment must be replaced each year in order to maintain fire protection capabilities and keep the fleet current.

The 2005 – 2014 Capital Improvement Program (CIP) includes funds in 2005 and 2006 to replace fire apparatus. Five engines are programmed for replacement each year, for a total of ten engines scheduled to be replaced. Equipment is required to properly outfit these vehicles for fire protection services, such as fire hose, hose reels, rescue tools and hand-held lights. Finally, if funds are available, staff proposes investing in a storage structure for vehicles and equipment at the Training Grounds. Due to the increased pace of training and new equipment purchases, more space is needed for storage and staging.

Fire apparatus orders have a long lead-time, about six to eight months from order to delivery. By placing the order now, half of the apparatus would be delivered in the Fall and half later in the year, and should begin to come on-line before year-end 2006. Due to the number of units being delivered, not all of the trucks could be placed into front-line service simultaneously. However, staff will work diligently to place units on track as quickly as possible.

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The estimated project cost of \$5,434,000 is included in the Adopted 2005 – 2014 CIP. The funding source is General Obligation Bonds.

The Law Department has approved the bonding resolution as to legal form.

Council Member Skelton Council Member Skelton asked if this is going to account for the new vehicles that would be in a proposed station and how are the new stations going to be funded with fire engines city wide.

George Kolb City Manager explained that this is for replacement vehicles for aging fire apparatus located throughout the City. Stated that the City Council has not authorized any new fire stations at the time that they do authorize, the capital costs for that station does include apparatus to equip it.

Motion-- Skelton moved that the project be approved; the bonding resolution adopted and the necessary  
--carried signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-144

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvements in accordance with the findings of the Governing Body; and directing publication of Resolution, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ MARCH 7, 2006)**

#### **A) PROPOSED ASSESSMENTS FOR (36) THIRTY-SIX PAVING PROJECTS IN JULY 2006 BOND SALES SERIES 786.**

##### ORDINANCE NO. 46-954

- a) (490-036/472-82312) IMPROVING WADDINGTON COURT (North of Central, West of Tyler), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

##### ORDINANCE NO. 46-955

- b) (490-798/472-83388) IMPROVING OF E-W ALLEY BETWEEN MARTINSON & ELIZABETH, MCCORMICK & IRVING (West of Martinson), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

##### ORDINANCE NO. 46-986

- c) (490-994/472-83625) IMPROVING VICTORIA, MARIE, 44TH ST. SOUTH & GREENWOOD (West of Hydraulic, South of 44th St. South), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

##### ORDINANCE NO. 46-956

- d) (490-037/472-83689) IMPROVING PEREGRINE, KITE, BLACKHAWK, KITE CIR. & SIDEWALK (South of 53rd Street North, West of Hillside), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## ORDINANCE NO. 46-957

- e) (490-992/472-83708) IMPROVING A NORTH-BOUND LEFT TURN LANE ON WOODLAWN (West of Woodlawn, South of 29th Street North), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-958

- f) (490-020/472-83722) IMPROVING CAVIT, DECKER, BURTON, & SIDEWALK (West of 135th Street West, North of Maple), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-959

- g) (490-003/472-83759) IMPROVING CITY VIEW, SHERIAC CIRCLE INCLUDING CUL-DE-SAC, SHERIAC COURT AND SIDEWALK (West of 135th Street West, North of Maple), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-960

- h) (490-002/472-83773) IMPROVING NORTHWIND (East of Ridge, North of 29th Street North), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-961

- i) (490-029/472-83790) IMPROVING DEN HOLLOW, DEN HOLLOW CT., DEN HOLLOW CIR. INCLUDING CUL-DE SACS (North of 29th St. North, between Maize & Tyler), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-962

- j) (490-008/472-83803) IMPROVING 28TH STREET NORTH (North of 21st, West of Greenwich Road), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-963

- k) (491-007/472-83815) IMPROVING FACADE AT 111 W. DOUGLAS (South of Douglas, West of Main), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-987

- l) (490-936/472-83816) IMPROVING PADDOCK GREEN CIRCLE INCLUDING THE CUL-DE-SACS (South of 21st. Street, West of Webb), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## ORDINANCE NO. 46-964

- m) (490-929/472-83818) IMPROVING SHILOH STREET, BOSTON, ZIMMERLY, SHILOH COURT, BOSTON COURT INCLUDING CUL-DE-SACS & SIDEWALK (North of Harry, West of Greenwich), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-965

- n) (491-009/472-83864) CONSTRUCTION OF FACADE IMPROVEMENTS AT 810 W. DOUGLAS (South of Douglas, West of Main), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-966

- o) (490-024/472-83893) IMPROVING FOUNDERS CIRCLE, CUL-DE-SAC & SIDEWALK (South of 21st, East of K-96 Expressway), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-967

- p) (490-949/472-83894) IMPROVING UNIVERSITY AVENUE (South of Maple, East of Ridge), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-968

- q) (491-010/472-83896) CONSTRUCTION OF FACADE IMPROVEMENTS AT 1011 & 1017 W DOUGLAS (South of Douglas, East of Seneca), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-969

- r) (490-956/472-83908) IMPROVING HOOVER (North of Central, East of I-235 Expressway), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-970

- s) (490-979/472-83958) IMPROVING 27TH STREET NORTH (West of Jackson to the middle of 27th North & Jackson), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-971

- t) (490-982/472-83959) IMPROVING 27TH ST. N. FROM THE WEST LINE OF WELLINGTON TO THE WEST LINE OF MARKET (West of Wellington to the West Line of Market), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## ORDINANCE NO. 46-972

- u) (490-981/472-83960) IMPROVING 27TH ST. N. FROM THE MIDDLE OF THE INTERSECTION OF 27TH & WACO (27TH & WACO to the E. of FAIRVIEW), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-973

- v) (490-980/472-83961) IMPROVING 27TH ST. N. FROM THE MIDDLE OF THE INTERSECTION OF 27TH & JACKSON (27th & Jackson to the middle of the Intersection of 27th & Waco), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-988

- w) (490-986/472-83993) IMPROVING CLARA ST., DORIS ST. & SIDEWALK (East of Hoover, South of 13th), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-974

- x) (490-010/472-84023) IMPROVING MANCHESTER, WATERSIDE, WATERSIDE COURTS (3) & SIDEWALK (North of 37th Street North, West of Maize), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-975

- y) (490-989/472-84025) IMPROVING WESTLAKES COURT, WESTLAKES PARKWAY & SIDEWALK (East of Maize, North of 29th Street North), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-976

- z) (490-012/472-84028) IMPROVING JEWELL, GRANT, ROGERS LANE, JEWELL COURT, GRANT COURT, ROGERS CIRCLE, INCLUDING CUL-DE-SACS & SIDEWALK (North of Pawnee, West of 119th Street West), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-989

- aa) (490-004/472-84041) IMPROVING KESSLER (North of Kellogg, East of West Street), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-977

- ab) (490-993/472-84047) CONSTRUCTING TRAFFIC SIGNALIZATION AT THE INTERSECTION OF WOODLAWN & SOUTH OF 29TH STREET NORTH (Woodlawn, South of 29th St. North), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## ORDINANCE NO. 46-978

- ac) (490-017/472-84062) IMPROVING BICKEL, 8TH ST. N, & GOW AVE. (South of 9th, West of Sheridan), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-979

- ad) (490-018/472-84074) IMPROVING BLUELAKE, 31ST ST. S., BOLIN DR., SABIN, BLUELAKE CT., INCLUDING CUL-DE-SAC & SIDEWALK (West of West Street, North of MacArthur), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-980

- ae) (490-043/472-84085) IMPROVING HAWTHORNE ST. & HAWTHORNE CT., (West of 143rd Street East, South of Central), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-981

- af) (490-030/472-84097) IMPROVING LARK, HADDEN, FIELDCREST ST., ATLANTA CIR., HADDEN CIR., CUL-DE-SAC & SIDEWALK (South of Pawnee, West of Maize), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-982

- ag) (490-023/472-84109) IMPROVING PATTIE (West of Hydraulic, South of 31st Street South), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-983

- ah) (490-022/472-84110) IMPROVING SIDEWALK ALONG WEST SIDE OF RESERVE A (South of 21st., East of 127th St. East), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-984

- ai) (490-021/472-84112) IMPROVING EISENHOWER COURT (West of Hoover, South of Harry), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 46-985

- aj) (490-035/472-84126) IMPROVING 45TH ST. SOUTH, LEONINE, 45TH ST. SOUTH CT. INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 47th St. South, East of West St.), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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**B) A06-07 - GENERALLY LOCATED WEST OF WEBB ROAD, BETWEEN PAWNEE AND 31ST STREET. (DISTRICT II)**

ORDINANCE NO. 46-990

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-07)

**UNFINISHED BUSINESS**

**BOND COUNSEL**

**BOND COUNSEL PROFESSIONAL LEGAL SERVICES.**  
**(DEFERRED MARCH 7, 2006)**

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 06-0241a.

As the contract for the City's bond counsel came to the end of its term in 2005, a Request for Proposals was promulgated and five law firms responded with proposals to be the City's bond counsel. The responses were referred to the Bond Counsel Review Committee for review. The Committee is comprised of the Finance Director, Housing and Community Services Director, Airport Director, City Attorney and a Senior Assistant City Attorney. The Bond Counsel Review Committee interviewed all five of the law firms and herewith submits its recommendation to the City Council.

The City employs a law firm to provide bond counsel services to the City and its agencies (Airport Authority and the Public Building Commission). Bond counsel provides professional legal services in connection with the issuance and sale of general obligation bonds, general obligation refunding bonds, utility revenue bonds, utility revenue refunding bonds, and temporary notes. The City's Bond Counsel serves as bond counsel for industrial revenue bond issues, except in limited situations.

The Bond Counsel Review Committee recommends the firm of Kutak Rock, LLC. as the law firm that would provide the greatest benefit to the City as bond counsel. The recommendation for the Kutak Rock firm is based on the firm's bond counsel experience, handling of conflicts of interest, record of professionalism and quality legal services, accessibility and responsiveness to clients, understanding of the City's contract objectives, experience and expertise of the firm in bond counsel work, the quality of professional assigned staff, adequacy of resources, ability to provide bond counsel services on a timely basis, a favorable fee structure, and additional information obtained in the interview process.

An agreement outlining the services, compensation schedule and expenses for the City's bond counsel will be negotiated with the firm selected by the City Council.

The Department of Law will draft the Agreement for Professional Services for bond counsel.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the law firm of Kutak Rock L.L.C. be selected as the City's bond counsel and authorize staff to negotiate an Agreement for Professional Services to be returned to the Council for approval. Motion carried 7 to 0.

--carried

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## NEW BUSINESS

### **EL ZOCOLO**

### **LAND FOR EL ZOCOLO. (DISTRICT VI)**

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 06-0286

In August of 2004, El Zocolo Board of Directors and their members of this Not-For-Profit in the north central section of the City approached the Park Advisory Board with a proposal to demolish the old bath house at North Woodland Park currently being used as the site for La Familia Senior Services Center and build a new facility for El Zocolo. This not-for-profit organization has four founding member organizations; they are the Institute for Minority Health, Education and Research (IMHER), Service, Employment and Redevelopment Corporation (SER), La Familia, and United Methodist Outreach Service (UMOS). They provide health screening and other related assistance to seniors and underprivileged in the north central section of the City. Although the Park Advisory Board applauded the concept of what El Zocolo was doing, they felt that North Woodland Park was not a good site for the building size that is needed. The Park Advisory Board asked staff to seek out other land and opportunities that might accommodate this worthwhile community project. The Park Department attempted to secure other private property in the area, but was unsuccessful.

Evergreen Park is a large facility at 25th Street North and Arkansas, which provides synergy for City Services. Those services are the library, neighborhood city hall, and recreation programs. The addition of El Zocolo will expand existing services to the surrounding community by offering job training, health screenings, and other faith-based programs. The visual and aesthetic impact of a new building at this site will be minimal compared with that of North Woodland Park.

The Park Board at their February 13, 2006 meeting voted to recommend to the City Council that they approve the creation of a Memorandum Of Understanding (MOU) with El Zocolo to establish their intent to use the land in Evergreen Park to build a new facility. This MOU will allow El Zocolo to complete their fund raising and planning, with a specific time limit of 24 months maximum. Once El Zocolo has secured all their financing for the project, a written lease will be prepared allowing a long-term use of the land, at which time construction on the facility can begin.

It was further recommended by the Park Board that the loss of green space in Evergreen Park can be replaced with the removal of the old bath house in North Woodland Park as well as dedicating city owned river bank at 18th street north and the Arkansas River.

There are no City funds being used in the construction of this facility.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey

Council Member Fearey stated that there are a couple of things that were not in the recommended action that she will be adding to the motion, which were things that the Park Board specifically asked for.

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Motion--

Fearey moved that the use of a portion of Evergreen Park for the creation of a facility for El Zocolo, a not-for-profit organization; staff to create an Memorandum of Understanding (MOU) that allows El Zocolo to complete their fund raising, and staff to create a long term lease that would be brought back to council for their approval once all funds are in place for construction be authorized. That the MOU include all items included in the motion approved by the Park Department at their February meeting, that included such things as the raising of the existing maintenance building not be raised, or new construction begun until all of the funds have been raised for the new building and parking lot that as part of the plan the City Council dedicate as park land a portion of the river bank at 18<sup>th</sup> Street and the River, approximately nine acres as well as the green space at north Woodland that would become available when the old bath house facility currently being used by La Familia, is torn down. They further recommended that the existing maintenance facility at Evergreen Park not be torn down until sufficient funds had been raised to build the proposed El Zocolo Facility and that their fund raising should be completed in 24 months. The land at the river is vacant right now and is maintained by the Park Department and by dedicating that as parkland, that also fulfills part of the Visioneering goals as keeping access to our rivers for recreational use and the space at Woodland would also help have more access to the river for people. Motion carried 7 to 0.

--carried

(Item # 26A Addendum)

**FRIENDS**

## **PUBLIC HEARING FOR ISSUANCE OF EDUCATIONAL FACILITIES REVENUE AND REFUNDING BONDS (FRIENDS UNIVERSITY PROJECT). (DISTRICT IV)**

Allen Bell

Economic Development Administrator reviewed the Item.

Agenda Report No. 06-0316

The Kansas Independent College Finance Authority (KICFA) is organized as a separate legal entity by its member cities pursuant to the Kansas Constitution and the Kansas Interlocal Cooperation Act, and is authorized to issue bonds or notes for the purpose of making loans to independent colleges and universities to finance, refinance and reimburse the costs of educational facilities and working capital funds and related costs. KICFA is proposing to issue its tax-exempt Educational Facilities Revenue and Refunding Bonds in the aggregate principal amount of \$8,200,000, on behalf of Friends University. KICFA and Friends University are requesting City Council approval for the issuance of Bonds. To satisfy the federal tax code, it is necessary to hold a TEFRA Hearing prior to approving the issuance of the bonds.

Friends University is a four-year liberal arts university, was founded in 1898, and is a Kansas not-for-profit corporation, located at 2100 W. University Street in west Wichita. The University has a full-time faculty of 74, 62% of whom have earned their Ph.D. degree. The University employs other instructors and adjunct professors who do not possess faculty rank, but are educationally and professionally qualified. For the 2005-2006 school year, the University had 2,476 full-time equivalent students enrolled. The University operates its programs at its Wichita campus and other locations within the State of Kansas and at facilities in Independence, Missouri.

The bond proceeds will be used, along with other funds, for the purpose of paying the costs of acquiring, constructing, furnishing and equipping a student residential and related educational facilities, of installing software for a Enterprise Resource Planning program for the university and of redeeming certain outstanding KICFA bonds. The new residential facilities will consist of 3 apartment buildings located at the corner of Mentor and Glenn Streets, designed to accommodate 50 students. Other facility improvements include upgrades of athletic facilities and roof replacement at an existing dormitory.

Under federal law, the governing body of the political jurisdiction in which the project is to be located must approve the issuance of the bonds following a public hearing. A notice of the hearing must be published at least 14 days in advance of the hearing.

There is no financial impact on the City.

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Legal Considerations: The publication of the hearing was published in the Wichita Eagle on March 7, 2006. The notice of public hearing and an approving resolution were prepared by Gilmore & Bell, LLC, bond counsel to the Kansas Independent College Finance Authority, and approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Gray moved that the public hearing be closed; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-153

A Resolution approving the issuance by the Kansas Independent College Finance Authority of not to exceed \$8,200,000 educational facilities revenue and refunding Bonds, Series 2006 (Friends University) for the purpose of paying a portion of the costs of constructing and renovating certain student residential and related educational and athletic facilities, installing and implementing certain software; refunding certain City of Olathe, Kansas, outstanding educational and athletic facilities revenue Bonds, the proceeds of which were loaned to Friends University funding a debt service reserve fund and paying certain cost of issuance, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

*(Agenda Item No. 27)*  
**RATE STRUCTURE**

**RATE STRUCTURE FOR GOLF COURSES.**  
**(This Item was pulled from the Agenda)**

**RIDGE/MAPLE**

**RIDGE AND MAPLE INTERSECTION IMPROVEMENT. (DISTRICT V)**

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0288

On August 16, 2005, the City Council approved a project to improve the intersection of Ridge and Maple. It has since been determined that the amount of existing paving that should be removed and replaced, rather than patched, is much greater than originally anticipated. Federal Grants administered by the Kansas Department of Transportation are available to pay the increased cost. An amending Ordinance has been prepared to increase the project budget.

The project will reconstruct the intersection to provide dual left turn lanes at all four approaches to the intersection. The traffic signal system will be upgraded.

The current budget is \$1,700,000 with \$500,000 paid by the City and \$1,200,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The proposed increased budget is \$2,230,000 with \$500,000 paid by the City and \$1,730,000 paid by Federal Grants.

The Law Department has approved the amending Ordinance as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Martz moved that the revised budget be approved; the amending Ordinance placed on First Reading and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

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## ORDINANCE

An Ordinance amending Ordinance No. 46-652 of the City of Wichita, Kansas declaring the Intersection of Ridge at Maple (472-84258) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

### **CITY/CO AGRMNT CITY/COUNTY AGREEMENT FOR SANITARY SEWER AND WATER IMPROVEMENTS ALONG 13TH STREET, BETWEEN K-96 EXPRESSWAY AND 159TH STREET EAST. (DISTRICT II)**

Jim Armour City Engineer reviewed the item.

Agenda Report No. 06-0289

Sedgwick County is planning to award a construction contract this spring to improve 13th St., between K-96 Expressway and 159th St. East. The area is served by Wichita sanitary sewer and water distributions systems. Portions of those systems should be extended in advance of the County paving project to avoid the need to bore under new pavement in the future.

The County has agreed to construct the sanitary sewer and water improvements in conjunction with the paving project, with the City paying for the cost of the sewer and water lines. The County's design engineer and P.E.C. will provide construction plans. A City/County Agreement has been prepared to authorize the work.

The estimated cost of the sanitary sewer project is \$750,000, with the total paid by the Sewer Utility. The estimated cost of the water project is 550,000, with the total paid by the Water Utility.

The City/County Agreement has been approved as to form by the Law Department.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Schlapp moved that the City/County Agreement be approved and the necessary signatures authorized.  
--carried Motion carried 7 to 0.

### **CITY/CO AGRMNT CITY/COUNTY AGREEMENT TO IMPROVE 21ST STREET, BETWEEN K-96 EXPRESSWAY AND 159TH STREET EAST. (DISTRICT II)**

Jim Armour City Engineer reviewed the item.

Agenda Report No. 06-0290

Sedgwick County has obtained Federal Funds in the amount of \$2,600,000 from the 2005 Federal Highway Bill to improve 21st St., between the K-96 Expressway and 159th St. East. Because of the rapid pace of development within the corridor, most of the roadway has or will be soon annexed into the City of Wichita. As a result, the County has asked that the city take over responsibility to construct the project. A City/County Agreement has been developed that formally transfers responsibility to the City.

The County agrees to complete its design agreement with Professional Engineering Consultants (PEC) for the preparation of construction plans and assign the earmarked Federal funding in the amount of \$2,600,000 to the City. The City's responsibility will be to annex the remaining roadway, provide local funding and administer construction on the project.

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The City's current Capital Improvement Program (CIP) includes funding in 2009 to improve 21st St., between K-96 Expressway and 143rd St. East. \$50,000 is requested at this time for the cost of plan modifications needed to conform to the City's construction plan format. The funding source is General Obligation Bonds and is available from under expenditures in other design projects. The project budget contained in the CIP is \$3,700,000 with \$500,000 paid by General Obligation Bonds and \$3,200,000 by Federal Grants. Funding to expand the project to 159th St. East will be programmed as part of the development of the next CIP. It is expected that additional Federal Grants will be available at that time.

The City/County Agreement and Ordinance have been approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Schlapp moved that the City/County Agreement be approved; the Ordinance placed on First Reading and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance declaring 21st Street North, between the K-96 Expressway and 159th Street east (472-84394) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

## PETITION

### **PETITIONS TO RENOVATE BUILDING FACADES AT 1409 EAST DOUGLAS AND 111 ELLIS. (DISTRICT I)**

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0291

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided to owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of buildings located at 1409 E. Douglas and 111 Ellis has submitted the required Petitions. The signature on the Petitions represents 100% of the improvement districts. Because the buildings are not located within the facade program activity area, a partial waiver of the facade regulations will be required.

The projects have received approval of the Art and Design Board, Design Review Committee of the Historic Preservation Board and the Development Coordinating Committee.

The facade projects will renovate the storefronts to their original appearances, with new windows, doors and awnings. Drawings were submitted that generally depict what the buildings will look like once the work is completed.

The project budget for each building is \$34,000, with \$25,500 paid by special assessments and \$8,500 by a forgivable loan. The City Council has allocated \$350,000 for the forgivable loan component of the program. Seventeen projects have been approved to date with forgivable loans totaling \$254,158. If these projects are approved, \$78,842 will be left in the program.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Council Member Fearey

Council Member Fearey inquired if we are going to look at the boundaries of this program again.

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- George Kolb City Manager stated that they are and that the current district boundaries, they believe have just about been maximized the usefulness of those funds in the current district. Stated that they feel that it is prudent for them to look at expanding the boundaries or creating a new district where they can use the balance of the funds and perhaps more, to try and do the same thing that is currently being done. Stated that they feel that this has been a very successful project in terms of changing the looks of the current district and they would like to capitalize on that success by going into other areas.
- Council Member Fearey Council Member Fearey requested a report on what buildings have been done through this program and what the status was before and what it is now. Stated that she feels that this is an economic development tool.
- George Kolb City Manager stated that there were 17 projects that were done in the district and they can give a report as to what those projects were before and what they look like now.
- Council Member Martz Council Member Martz stated that he knows that there is a need and will probably support it, but has a concern with going outside of the boundaries of a project. Stated that if we are going to change the boundaries, then do so but anytime there are boundaries for a project, he feels that we should stay within those boundaries for proposals or requests until we change it. Stated if we need to expand the boundaries, then we should expand them.
- Council Member Skelton Council Member Skelton asked if we could look at other areas such as south Broadway when we expand the boundaries.
- George Kolb City Manager stated that they do not disagree with Council Member Martz's concerns and would prefer to amend the boundaries but it is going to take some time to look at the particular needs and opportunities that may exist for redevelopment and this particular project was on the drawing board and came to them so they felt that it would be prudent for them to bring it to the Council for consideration for funding. Stated that they also will have to look at the financing of the project and will have to find a funding source to rejuvenate that funding source and will be back to the Council within the next few weeks with a recommendation.
- Council Member Brewer Council Member Brewer stated that as we talk about the south Broadway area, he thinks that we do need to look at that. Stated that we have a neighborhood plan that was established and have a lot of buildings in that area that were identified as historical buildings and historical sites.
- Council Member Fearey Council Member Fearey stated that south Broadway is certainly worth looking at but there are parts of Delano, the whole 21<sup>st</sup> Street redevelopment area and a lot of neighborhood plans out there and almost all of them have some commercial in them. Stated that she feels that we need to be very careful, in that we were looking at this as one more incentive for economic development downtown and we need to not lose site of that and there is always going to be a limited pot of money here and as we go ahead with the arena neighborhood plan and the arts district, it gets back to when you spread your money to thin, you do not see anything that has been done. Stated that she will wait to hear from staff on their recommendations but we need to remember this as we move forward.
- Council Member Martz Council Member Martz stated that this is exactly why he has hesitation on this project. Stated that it could open up a can of worms and every area has what they feel is a need and how do you break that down, when we have an area design to start with and there is a limited amount of money and we had a particular project in mind when we started this and thinks that it is a great project and should be used correctly but if we do not keep boundaries controlled, this becomes a city wide project. Stated that until we get new boundaries established, he would recommend that we have no more projects outside of our existing boundaries until we have that part of it resolved.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Rich Vilet Mr. Vilet stated that he is the applicant on this façade grant. Stated that he feels that this will be a compliment to the Douglas area. Stated that the core area needs support and this is a small cost for the City to front and when these facades are renovated good things happen and that this is an important program and would appreciate the Council's support and consideration.

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Motion-- Brewer moved that the building location requirement be waived; the Petitions approved; the Resolutions adopted; the Facade Easements approved and the necessary signatures authorized.  
--carried Motion carried 7 to 0.

## RESOLUTION NO. 06-145

Resolution of findings of advisability and resolution authorizing construction of façade improvements at 1409 East Douglas (south of Douglas, east of Washington) 472-84381, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-146

Resolution of findings of advisability and resolution authorizing construction of façade improvements at 11 Ellis (south of Douglas, east of Washington) 472-84382, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## **SPEED LIMIT ORD. SPEED LIMIT ORDINANCE AMENDMENT, SECTION 11.96.010.**

Gary Rebenstorf Director of Law reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 06-0292

City of Wichita Ordinance 11.24.040 requires an engineering and traffic investigation to determine speed limits that are safe for operation of vehicles. The Traffic Engineer is assigned the task of conducting traffic studies on streets within the corporate limits of the City of Wichita, and designating the maximum speed for vehicles operating on the streets and roadways of the City of Wichita. The speeds determined by the traffic study for safe operation must be designated in City of Wichita Ordinance 11.96.010. Due to the creation of new streets within the corporate limits of the City of Wichita, as well as updated investigations or studies on existing streets, City of Wichita Ordinance 11.96.010 must be amended to conform with results of the studies for safe operation. City of Wichita Ordinance 11.96.010 must reflect the designated safe speed for enforcement and prosecution of violations.

Amendment to City of Wichita Ordinance 11.96.010 would designate safe speed for operation of vehicles on the streets of the City of Wichita, in compliance with City of Wichita Ordinance 11.24.040. The speeds designated by City of Wichita Ordinance 11.96.010 are posted. The Wichita Police Department enforces the designated speeds.

The ordinance amendment has been prepared and approved as to form by the Law Department.

Council Member Skelton Council Member Skelton stated that he would appreciate the opportunity to take this before his DAB first and discuss it with them in order for him to support this and if the Council chooses to proceed on, he will be voting no today.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized.  
Motion carried 6 to 1, (Skelton, no).

## ORDINANCE

An Ordinance amending Section 11.96 of the Code of the City of Wichita, Kansas, pertaining to speed limits, introduced and under the rules laid over.

### 2006-2007 HUD

### 2006-2007 HUD COMBINED ALLOCATIONS/ONE YEAR ACTION PLAN. (DISTRICTS I, III, IV, VI)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 06-0293

On November 15, 2005, the City Council established funding allocation amounts for CDBG, HOME and ESG programs and services to be provided by the City and by external service providers (Undesignated Funds). Based on the Council's action, City staff issued a Request for Proposals and solicited applications for programs and services to be funded from Undesignated Funds.

The City Council-appointed Grants Review Committee (GRC) held a public hearing on January 25, 2006 to provide an opportunity for the public to address the Committee regarding housing and community development needs (CDBG), HOME and ESG funding. No comments were received. The GRC carefully reviewed proposals submitted in response to the CDBG RFP and HOME and ESG applications, in order to develop funding recommendations for the City Council's consideration. The Grants Review Committee's recommendations were submitted.

Since the City Council's November 15, 2005 action, Congressional appropriations were announced in January 2006, and reflected a decrease in funding. Following is a summary of the original allocations and changes:

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Program	06 Estimates	Changes	06 Allocations	Adjusted Totals
Community Development Block Grant (CDBG)	\$3,107,364	(\$175,964)	\$2,931,400	\$3,936,886
• Program Income		\$469,740		
• Section 108 Program Income		\$535,746		
HOME Investment Partnership (HOME)	\$1,903,630	(\$144,339)	\$1,720,657	\$1,759,291
• ADDI			\$38,634	
Emergency Shelter Grant (ESG)	\$126,690	(\$872)	\$125,818	\$125,818
TOTAL Consolidated Plan Funding				\$4,816,509

Recommendations were submitted from the Grants Review Committee for CDBG Public services, HOME and ESG funding; and 2) staff recommendations for Neighborhood Stabilization funding and internal program adjustments.

## Community Development Block Grant

### 1. Capital/Housing/Economic Development

Recommendations for Capital, Housing and Economic Development projects address needs in the city's Neighborhood Revitalization Areas. The Economic Development project was designated in 2005 to provide a CDBG loan guaranty for the 13th & Grove Grocery Store.

### 2. Neighborhood Stabilization

Funds available for Neighborhood Stabilization activities total \$1,005,486, and include regular CDBG Program Income and unanticipated income from a closed Section 108 program. Recommendations for CDBG funding for Neighborhood Stabilization activities were submitted.

### 3. Public Services

Based on the November 15, 2005 City Council action, RFP's were solicited for Women's Services, Summer Youth Employment Services and Youth Recreation/Enrichment Services. The Grants Review Committee reviewed the proposals received for these services and made recommendations..

## HOME Investment Partnership Funds

### 1. CHDO Set-Aside Funding

The Grants Review Committee and staff have provided funding recommendations for undesignated Community Housing Development Organization (CHDO) funding as follows:

- Community Housing Services for the acquisition and new construction of two single-family homes in the Northeast Local Investment Area

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- Mennonite Housing Rehabilitation Services for acquisition and new construction of seven homes in one of the six Local Investment Areas
- Power CDC for acquisition and new construction of four homes in the Northeast Local Investment Area. All homes will be sold to income qualified, first-time homeowners.

However, due to reduced HOME allocations, staff recommends reducing each of the CHDO recommendations by one house. In addition, reductions are recommended to reduce the Deferred Loan program to (\$250,000) and Boarded-up House program (\$179,448).

## 2. HOME Funding

The base allocation for the 2006/2007 HOME programs was reduced from original projections of \$1,903,630, to \$1,720,657 (a reduction of \$182,973). Due to the reduction in funding, staff recommends that HOME Operating Funds for CHDOs be reduced to \$86,032 (5% cap) and the Housing Development Loan Program be reduced to \$75,000. Because of the reduced funding and a 10% mandatory cap for administration activities, staff has reduced HOME program Administration to \$172,065.

## 3. American Dream Down payment Initiative (ADDI)

HUD has allocated \$38,634 for participation in the American Dream Down payment Initiative (ADDI), which is designated by HUD to provide down payment and closing cost assistance grants to low and moderate-income persons entering into homeownership.

## Emergency Shelter Grants

### 1. Undesignated Funding

Staff supports the recommendation of the Grants Review Committee for Emergency Shelter Grant Undesignated Funding, which took into account, the Community Council on Homeless Advocacy (CCHA)'s priorities and proposed funding needs. These recommendations were based on the original staff estimate of \$126,690.

### 2. Reduced Funding

The actual 2006/2007 ESG grant allocation from HUD is \$125,818, a reduction of 0.69%. Staff has therefore modified the Grants Review Committee's recommendations with an across-the-board 0.69% reduction for all ESG projects.

Total funding available for FY 2006-2007 from CDBG, HOME and ESG is \$4,816,509, which includes Program Income in the amount of \$1,005,486. These allocations will be effective July 1, 2006.

Each grant program is restricted to certain federal allocation limits, however in most cases the allocations can be less than the maximum. Following are the limits based on actual FY 2006-2007 allocations:

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CDBG	\$1,163,310	Public Services
	\$586,280	20% Planning and Administration
HOME	\$258,099	15% Neighborhood-Based Non-Profits
Funds		(CHDOs) - Minimum
	\$172,065	10% Administration - Cap
Emergency Shelter Funds	\$37,745	30% Essential Services
	\$37,745	30% Homeless Prevention
	\$6,290	5% Administration

The national objectives of the Community Development Act are to principally benefit low/moderate income persons, eliminate slum and blight, or meet other urgent community needs. The HOME program must also primarily benefit low/moderate income persons and the Emergency Shelter program must benefit homeless persons. Therefore, allocation of Consolidated Plan funds is subject to individual federal eligibility rules regarding specific activities/programs and the national objectives of primarily benefiting low-income persons or addressing conditions of slum/blight. The process by which grant funds are authorized by the City Council is a matter of local determination, providing all HUD eligibility requirements are met.

The City Council has the authority to solicit proposals or to reserve grant funds for community priority needs and programs, as determined by the City Council. The recommendations herein meet all federal requirements in the allocation of funds. Upon approval of this action and prior to final allocations and payments, each project must be verified for eligibility for use of the respective grant funds. In addition, staff will prepare a One-Year Action Plan of activities to be funded based on the City Council's action. The One-Year Action Plan will be presented to City Council and will be made available for a required thirty-day public review/comment period prior to final approval.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Mohan Kambampati

Mr. Kambampati stated that he is with the Director of the Wichita Indochinese Center and spoke to the City Council regarding the housing situation in Planeview. Stated that only four CHDO's including the Wichita Indochinese Center, have been applying for building new homes to sell to first time home buyers. Stated that this is the second year in a row that only the Wichita Indochinese Center has been denied funding to build a home in Planeview and he feels that Planeview is being neglected once again. Stated that this community also deserves fair treatment and central inspection is doing a fine job in enforcing landlords to keep up their properties and still they are having a hard time renting in Planeview. Stated that the Indochinese Center has about 14 units in this area and there is a stigma attached and people do not want to rent as soon as they find out that they are located in Planeview. Stated that this neighborhood will improve only by new homes coming up and he agrees that the recommendation of denying funding to the Wichita Indochinese Center is that of the grant review committee but they have built three houses in the past and followed the grant guidelines and is puzzled as to why they were not recommended for just building one house, which is what they asked. Stated that Planeview is a fine neighborhood and deserves the Council's attention and urges the Council to consider his request and approve one house to be built in Planeview.

Mary K. Vaughn

Director of Housing and Community Services explained that expenditures in the Planeview area have neared about \$750,000.00 over the past three years, which includes home investments for new home constructions in the Shadow Ridge area in Planeview and there have been 20 new homes built there and there is funding available for five more homes and all of those homes have been sold to first time home buyers. In addition to the subsidies that have gone into the construction of those homes, they have also

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subsidized the first time homebuyers with down payment and closing costs assistance. Stated that CDGB funds were used in the Shadow Ridge development as well as for street construction and if you add the total of those investments, it is nearing \$750,000.00 and that they believe that the housing needs in Planeview have been addressed. Stated that Mr. Kambampati has constructed three homes in the Planeview area and that it is her understanding that when the grants review committee looked at all of the CHDO requests that they had before them, one of the things that they considered in making recommendations for reduced funding is the performance of other CHDOs in terms of construction of new homes and as they looked at those comparisons they noted that there was much higher activity among the CHDOs that they did recommend for funding and that was a key part of the recommendations that they made.

Mohan Kambampati

Mr. Kambampati stated that he is perturbed with the expression of the much higher activity by other CHDOs. Stated that there are other CHDOs that are mainly housing agencies and that is what they do is build houses. Stated that they are not mainly a housing agency but they are trying to help in the Planeview Community to build houses. Stated that he feels that they were neglected when they asked for funding and for the second year were denied.

Council Member Skelton

Council Member Skelton stated that he has spoken to Mary K. Vaughn about this and feels that Planeview is receiving the support and is his understanding that the committee that oversees the allocation of this funding did have some concerns about his organization so therefore they decided not to fund him this year. Stated that he informed Mr. Kambampati and told him that maybe there might be the opportunity to work together this year to try to address those concerns and that maybe we could provide him the funding for next year.

Motion--

Mayans moved that the funding designations for the City's 2006/2007 HUD Consolidated Plan Combined Application, as summarized below be approved: (1) CDBG Housing funds in the amount of \$1,290,920; (2) CDBG Neighborhood Stabilization funds in the amount of \$1,005,486; (3) CDBG Public Services funds for Neighborhood Assistance in the amount of \$308,000; (4) Grants Review Committee recommendations and staff modifications for CDBG Public Services funds in the amount of \$532,219; (4) CDBG Planning and Administration funds in the amount of \$450,261; (5) HOME project funds, including ADDI, in the amount of \$1,493,707 (5) Grants Review Committee recommendations and staff modifications for HOME CHDO Set-Aside funding in the amount of \$265,584; (6) Grants Review Committee recommendations and staff modifications for Emergency Shelter Grant funding in the amount of \$125,818 and authorize preparation of the One-Year Action Plan. Motion carried 7 to 0.

--carried

## **AVIATION SCHOOL    AVIATION TRAINING SCHOOL AT JABARA CAMPUS.**

George Kolb

City Manger reviewed the item.

Agenda Report No. 06-0294

On March 1, 2005, the City Council took action to adopt a resolution authorizing conceptual design of a proposed aviation training facility to be constructed at Jabara Airport and also authorized the selection of a design consultant. This action was taken in response to the growing need to provide a highly skilled workforce for the community's aviation manufactures. It is estimated that the five major aviation companies will need 4,150 trained workers in 2006. The construction of a world-class technical education training facility is imperative if this community is to meet the demand for skilled workers.

The Council received an update on the status of this project on February 7, 2006. Community leaders have taken numerous actions to advance employer driven technical education and training. Sedgwick County has determined that they will take a lead role in providing technical education and training and have expressed their intent to issue bonds for the construction of this facility and will be responsible for ensuring payments are made to retire the debt associated with this 36 million dollar project. The federal government has committed \$500,000 in seed money and efforts are underway to seek additional dollars at both the federal and state levels. Additionally, the business community is finalizing its funding commitment for scholarships and equipment.

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In prior meetings, the Wichita City Council has expressed its support for the proposed aviation training school at Jabara Airport. The total cost of this project is estimated at 36 million dollars and includes space for aviation technology, manufacturing technology and assessment and career development. Federal, state, and local governments, along with private sector dollars will be utilized to finance the project. Sedgwick County has expressed its intent to issue the bonds and in doing so will be responsible for covering both debt service and operating costs. The County anticipates funding support will be forthcoming from tuition, fees, private sector donations and state and federal grants.

Sedgwick County will be responsible for negotiating a fifty-year lease with the Airport Authority for both the land and the building. Staff is proposing that during that period of time the County retain title to the building. The Airport Authority anticipates the ground lease to be at market rate with an annual adjustment of 2 ½ percent per year. Staff is proposing that at the initiation of the lease the City pay the County a dollar amount equivalent to the net present value of the lease payments for the first twenty years. This lump sum payment will not exceed \$1.6 million.

Sedgwick County will be required to pay the ground lease (at fair market rate) for the fifty-year term of the lease. At the end of the fifty-year lease, Sedgwick County and the Airport Authority will need to negotiate a blended ground and building lease. Staff is also proposing that the Airport Authority provide a two-year option for the eleven acres of land adjacent to the proposed aviation training facility for other training needs e.g. medical education and information technology.

Sedgwick County has expressed its intent to finance this 36 million dollar project through the issuance of bonds. It is anticipated that financial assistance will be available from tuition and fees, private sector donations from the aviation companies of nearly \$4 million and state and federal grants (\$500,000 of seed money has been approved by the federal government and the County will submit an application for an EDA grant for \$1.5 million). The City has also been asked to be a financial participant. Staff is proposing an up-front payment not to exceed \$1.6 million (the net present value of the lease payments for the first twenty years). The funding source would be the Capital Improvement Program and efforts are underway to reprioritize projects to support this expense.

Funding is contingent upon successfully negotiating a lease agreement between the Wichita Airport Authority and Sedgwick County. Once this agreement has been finalized, it will be placed on the Wichita Airport Authority's agenda for consideration and action. Additionally, the City will need to approve a bonding resolution to utilize CIP funding for this project.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the bonding resolution for a not to exceed amount of \$1,600,000 be adopted; the project initiated, and the necessary signatures contingent upon successfully negotiating a lease agreement between the Airport Authority and Sedgwick County be authorized. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 06-147

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvements in accordance with the findings of the Governing Body; and directing publication of Resolution, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## PLANNING AGENDA

Motion-- Mayans moved that Planning Consent items 36 to 45 are approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.  
--carried

(Item 35)  
ZON2006-00001

### ZON2006-00001-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED SOUTH OF WEST CENTRAL AND EAST OF BOYD. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

(Mayor Mayans momentarily absent, Vice-Mayor Schlapp in the chair)

Agenda Report No.06-0295

MAPC Recommendations: Approve, (10-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Recommended approval by a vote of 9-0.

The application area consists of two undeveloped, platted lots located south of West Central and east of Boyd, at the Boyd and Linder intersection. The .5-acre site is zoned "SF-5" Single-family Residential, and the applicant requested "TF-3" zoning to allow for duplex development.

Property north of the site is zoned "LC" Limited Commercial and developed with offices, a convenience store and a fast-food restaurant. South, east and west of the site are SF-5 zoned single-family residences. West of the site, at the dead-end portion of Linder, is an LC zoned self-storage facility. The site is on an unpaved road, but has easy access to both Central and southbound I-235.

DAB V heard this request on February 6, 2006 and no citizens spoke in opposition to the zone change request. DAB V recommended approval of the request by a vote of 9-0. MAPC heard this request on February 16, 2006. Several residential neighbors spoke in opposition to the zone change request; the neighbors had concerns regarding rental residences. The action of the MAPC was to approve 10-0. Several surrounding residential property owners filed protest petitions, amounting to 28.38 percent of the protest area, requiring a governing body ¾ majority override to approve the zone change request.

The resolution has been reviewed and approved as to form by the Law Department.

Motion-- Martz moved that the findings of the MAPC be adopted; the zone change be approved and the ordinance placed on first reading. Motion carried 7 to 0.  
--carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, introduced and under the rules laid over. (ZON 2006-00001)

(Council Member Schlapp momentarily absent)

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PUD2005-06 #22

**PUD2005-06 #22-CREATION OF THE OLD ENGLISH MANOR APARTMENTS PLANNED UNIT DEVELOPMENT TO ALLOW MULTI-FAMILY RESIDENTIAL USE AND TO PERMIT REDUCED BUILDING SETBACK AND PARKING STANDARDS. GENERALLY LOCATED SOUTH OF 11TH STREET, BETWEEN EMPORIA AND ST. FRANCIS. (DISTRICT VI)**

Agenda Report No. 06-0296

MAPC Recommendations: Approve, subject to staff recommendations (10-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to conditions outlined by staff (11-0).

The applicant is seeking the creation of Planned Unit Development zoning (PUD #22, Old English Manor Apartments) for 30,018.7 square feet of platted land located south of 11th Street, between Emporia and St. Francis. The property is zoned TF-3 Two-family Residential.

The western half of the application area is developed with a two-story apartment building, which contains 24 one-bedroom units. This building was constructed in 1929, before the city had off-street parking requirements, therefore, this use does not provide any off-street parking. Residents park their vehicles on the street or illegally on the vacant unpaved lot located to the east that is part of this application. The existing apartment use is non-conforming with respect to the current code's off-street parking requirements. Current code would require 30 on-site parking spaces for this building. The existing apartment building has the following setbacks: front 9.5-, rear 0-, interior side 11- and street side 2-feet. The TF-3 district has the following building setback requirements: front 25-, rear 20-, interior side 6- and street side 15-feet. Therefore, the existing apartment building is also non-conforming with respect to building setbacks. Also, the TF-3 zoning district only allows multi-family units with a "conditional use;" thus even the use is non-conforming. If this request is approved the proposed PUD would eliminate all of these non-conforming issues.

The western half of the application area is also located within the state and national historic registered Topeka-Emporia Historic District. Projects within historic districts require Historic Preservation Board review.

The eastern half of the application area is vacant. The applicant intends to construct an eight-unit, two-story apartment building on the site. The exterior of the building would be a combination of brick and vinyl siding that looks like lap siding, and it would have a gable roof with composition shingles. The building is proposed to be located on the southern-most portion of the site with 14 parking spaces located on the northern end of the lot (14 spaces are needed for code). The proposed eight units would be divided equally into four two-bedroom and four three-bedroom units. To make the proposed development plan work, the applicant needs relief from the rear-building setback, as they propose a five-foot setback. As with the western half of the site, an apartment building is not a use permitted by right in the TF-3 district. The proposed PUD would allow the development as proposed.

An application is in process to vacate the 20-foot alley that separates the two application areas. A dumpster is proposed to be located in the vacated alley on the southern side of the lot, and in between the existing and proposed apartments. Compatibility setback standards state that any dumpsters or refuse receptacles are to be located a minimum of 20 feet from any property zoned TF-3 or more restrictive. The lot to the south is zoned TF-3. On the site plan, the dumpster appears to be located closer than 20, but with City Council approval this standard can be modified. If a modification is not approved, the dumpster will need to comply with the standards. Compatibility height setback standards require that no structure shall exceed 35 feet in height when located within 50 feet of the lot line of property zoned TF-3 or more restrictive. It does not appear that the proposed building exceeds that height, but at the time this report was prepared it was unclear what the height of the proposed building is to be. If the building exceeds that height, then City Council approval is needed modify that standard. Access to the site would be provided by the existing approach to the alley, and on St. Francis.

A brick-screening wall is proposed along the northern property line of the eastern half of the application area with landscaping to be installed north of the wall.

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This project has evolved since it was initially presented to the neighborhood association. The original proposal envisioned the construction of a 12-unit apartment located on the southern quarter of the lot with two rows of parking on the northern portion of the lot. In order to fit two rows of parking in, street right-of-way would have to be used to have enough room to install the second row of parking. A minor street permit would have to have been obtained to use street right-of-way. Staff is advised that at the first meeting the neighbors stated that they would prefer to see a plan where the building was located out at the street in order to screen the parking lot, and that as much parking as possible be provided in order to provide parking for the existing apartment building as well as the new building. The applicants reduced the number of units to the proposed eight apartments but could not put the building at the street and maximize parking without utilizing street right-of-way for parking.

A second meeting was held with the neighborhood, and they asked the applicant to make additional revisions: eliminate the parking proposed to be located in the right-of-way; provide a low brick screening wall along the 11th Street frontage where the new parking lot is proposed; provide landscaping along that knee wall; make the parking lot drive-way one-way, west to east which would permit parallel parking to be provided along the 11th Street frontage; prohibit the placement of air conditioning units in the court yard of the existing apartment building; screen any air condition units located along 11th Street with landscaping and close the drive approach at the southwest corner of the existing apartment building.

The City Council has approved the site for a 100 percent low-income residential project, instead of the usual 80 percent to 20 percent ratio, and the state had approved the original project as a tax credit endeavor.

The applicant met with Historic Midtown Citizens Association representatives on two occasions to review various site plans. In the end the plan that seemed to address the largest number of design objectives depicted an eight-unit building situated along the southern property line of the vacant eastern lot. The new apartment building is to incorporate in its facade brick similar to the existing complex, as is the parking lot screening wall referenced below. Seventeen parking spaces are to be placed in front of the new apartment complex. On the eastern lot, a low screening wall is to be constructed along the south right-of-way of 11th Street. The screening wall is to be landscaped. The applicant agreed to not put any air conditioning units in the courtyard of the existing apartment complex, and to screen any air conditioning units located along 11th Street. The existing curb cut on the southwest corner of the project is to be closed. With an approval of the proposed PUD, the Council is granting a waiver to typical parking, building setback and compatibility setback standards.

On February 6, 2006, District Advisory Board reviewed this request and recommended approval (11-0) subject to the conditions agreed to by the applicant and Historic Midtown, and contained in the staff report. The MAPC recommended approval (10-0), subject to the agreed upon conditions of approval at their February 16, 2006 meeting. Historic Midtown Citizens Association had a representative who spoke indicating that the association did not object to the project. One citizen submitted a letter citing concerns that the proposed project will increase density resulting in more traffic, more noise and more on-street parking, which in their opinion would be detrimental to the neighborhood. It was also their opinion that the Council's approval of this proposal as a 100 percent low-income project was detrimental to the neighborhood's best interest. This lone protest equals 2.63 percent.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the findings of the MAPC be adopted; the PUD with its recommended conditions approved and the Ordinance placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, introduced and under the rules laid over. (PUD2005-06 #22)

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VAC2005-00034

**VAC2005-00034-REQUEST TO VACATE A PLATTED ALLEY RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN 10TH STREET NORTH AND 11TH STREET FROM EMPORIA AVENUE TO ST. FRANCIS AVENUE. (DISTRICT II)**

Agenda Report No. 06-0297

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicants are requesting consideration to vacate the 20-foot wide by approximately 620-foot long north-south platted alley, as previously described. Development abutting the alley included Emporia Park, a Ronald McDonald house, a YWCA office, single-family residences, apartments, dental offices and parking lots. The proposal will allow the applicants and the abutting property owners the opportunity to better maintain the reverted alley/site. There is a zoning case (PUD2005-06, PUD #22) associated with this vacation request on today's Wichita City Council agenda. All the abutting property owners have signed the petition and application to vacate. There is a gas line, Westar equipment, sewer line and manholes in the length of the alley; the alley will be retained as a utility easement. The Burleigh's Addition was recorded with the Register of Deeds on February 3, 1886.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Provide a petition for improvements to the alley.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

ZON2005-00053

**ZON2005-00053-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND GENERAL COMMERCIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED MIDWAY BETWEEN KELLOGG STREET AND INTERSTATE HIGHWAY-35 (KTA), WEST OF GREENWICH ROAD. (DISTRICT II)**

Agenda Report No. 06-0298

MAPC Recommendations: Approve, subject to provisions of Protective Overlay District #166 (9-2).

MAPD Staff Recommendations: Approve, subject to Protective Overlay District #166.

DAB Recommendations: Approve, subject to Protective Overlay District #166 (unanimous).

The applicants are requesting a zone change from "SF-5" Single-family Residential and "GC" General Commercial on Lots 16, 17 & 18, East Kellogg Acres Addition (the site) to "LC" Limited Commercial. The "GC" General Commercial zoning is generally located along the north 20-feet of Lot 18, the north side of the site. Each of the three lots is approximately 0.66-acres in size, has 101.5-feet of frontage along Greenwich Road and all are 291-feet deep. The three lots are developed with single-family residences on each lot, and all the residences appear to be occupied. The applicants propose unspecified commercial uses.

Development east of the site and immediately across Greenwich Road, includes two retail strips (built 2002 and 2004), zoned "GC" and "LC", a car sales business (built 1990) zoned "LI" Limited Industrial and an undeveloped "GC" platted lot. The undeveloped "GC" lot is under the same ownership as the car sales business. East of these businesses is a Wal-Mart (built 2002), a Lowe's (built 2001), some free standing fast food restaurants and platted undeveloped commercial lots. Zoning on these properties is either "LI", "GC" or "LC". All of the properties east of the site, across Greenwich Road, are part of CUP DP-196, with the exception of the car sales properties. Abutting and adjacent to the south and west sides of the site are single-family residences and a vacant lot; all of them zoned "SF-5". Properties

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abutting and adjacent to the site's north side are single-family residences, zoned "GC". The abutting northern "GC" zoned lot (Lot 19) with Greenwich frontage has one of the applicants listed as its owner. All of the mentioned abutting and adjacent northern, western and southern properties are in the same subdivision, the East Kellogg Acres Addition (recorded December 23, 1953), as the site.

A 10.5-acre undeveloped tract (approximately 300-feet west of the site, across Trig Street), the subject site and eleven other lots in the East Kellogg Acres addition are the last, isolated properties between Kellogg Street, I-35 (KTA), Webb Road and Brundige Street zoned with residential, "SF-5" zoning. Counting the subject site, there are a total of 15 single-family residences in this area, all in the East Kellogg Acres Addition. These single-family residences were built in the early and mid 1950s, the early and mid 1960s and the early 1970s. The area was annexed into the City sometime between 1961 and 1970. The rest of the area's nonresidential-zoned properties (nonresidential zoning is the overwhelming majority of zoning on properties in the area) are experiencing recent (from 2000 to present) commercial development, including the already mentioned Lowe's, Wal-Mart, the strip retails and a Green Lantern car wash.

The site and the East Kellogg Acres Addition, which the site is a part of, are in the "Spring Branch Master Drainage Plan". Almost all of the East Kellogg Acres Addition is identified on the Plan's Master Map as being in the 100-year flood boundary. The plan states "That there is an abrupt rise in the flood profile upstream of I-35 (KTA) and west of Greenwich Road.", which is the location of the East Kellogg Acres Addition. It further states that "Floodwaters upstream of I-35 (KTA) reach nearly 10-foot in depth, and Greenwich Road is overtopped. In addition, Trig Avenue becomes impassable during major storm events." These are the two roads that define the East Kellogg Acres Addition's east and west boundaries. A 40-foot easement runs north to south through and between all of the residential lots in the East Kellogg Acres Addition to I-35 (KTA). The easement contains a sewer line and an open drainage ditch, with well-defined grass banks and bordering trees.

Seven of the single-family residences/lots (46.6% of the residences) in the East Kellogg Acres Addition are identified in the plan as having potential flood risk, including two of the three lots applying for the zone change. At the May 27, 2004 "Spring Branch Drainage Study" public meeting, six of the residences (40%) in the East Kellogg Acres Addition provided written comments expressing their experiences and concerns with the current drainage on their properties. Two of those residences that provided written comments at that public meeting are applicants applying for the zone change.

Any development on the site will be required to provide a drainage plan to the Public Works Storm Water Engineer for review and approval, meet the access management regulations, compatibility setback standards, landscaping and any other applicable codes and development standards.

The Metropolitan Area Planning Commission, at their December 22, 2005 meeting, recommended approval (9-2) of the requested "LC" zoning with the provisions of Protective Overlay (PO) #166. One person spoke in opposition to the proposed zoning change at the MAPC meeting, but they would not go to the podium and identify themselves. Staff has received phone calls protesting the proposed zone change. The provisions of PO #166 are:

1. On site pole lights shall be no higher than 14-foot, if within 100-feet of property with residential zoning. They shall be hooded and directed onto the site and away from the residential developments and zoning west, north and south of the site. No pole lights shall be located within the required compatibility setbacks along the west and south sides of the property
2. No signs shall be permitted along the face of any building or along any street frontage that faces any property that is in a residential zoning district.
3. A drainage plan including retention and compensatory storage must be provided to the Public Work's Storm Water Engineer for review and approval, prior to any building permits being issued.

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4. Dedicate by separate instrument 10-foot of right-of-way along the site's Greenwich frontage. To be provided to Planning Staff for recording with the Register of Deeds, prior to the Ordinance being published
5. A restrictive covenant providing cross lot access between the site's lots and ensuring that conformance to the current access management standards can be applied to the entire site and not on its current configuration of three individual lots platted in the East Kellogg Acres Addition. Complete access control will be approved at the time that access from the site (not per individual lot) onto Greenwich is approved by the Traffic Engineer and implemented when commercial use replaces the current single-family uses. The current driveways for each lot's current single-family use/residences will remain in effect until such time that commercial use replaces the single-family residences. To be provided to Planning Staff for recording with the Register of Deeds, prior to the Ordinance being published.
6. In anticipation of future commercial development in the area, specifically on Lot 19, East Kellogg Acres Addition, which is under common ownership with one of the owner's of the southern abutting Lot 18, East Kellogg Acres Addition (the north portion of the subject site), the approved drainage plan and the restrictive covenant, as sited in PO #166, will extend onto Lot 19, East Kellogg Acres Addition. No access onto Trig Street from the site or Lot 19, East Kellogg Acres Addition. If needed dedicate 10-feet of right-of-way along the lot's Greenwich Road frontage.

The District Advisory Board (DAB) II, at their January 9, 2006 meeting, recommended approval (6-0) of the requested "LC" zoning with the provisions of Protective Overlay (PO) #166. Approximately 20 people expressed their concerns over current and future drainage issues in the residential neighborhood in regards to more commercial development in the area.

Only one valid protest petition was filed and it was outside the protest area, thus the ¾ rule of the governing body to overturn the protest is not in effect.

Dedications, by separate instrument, of 10-foot of right-of-way along all of the lots' Greenwich Road. Frontage and a restrictive covenant binding and tying the lots together as one site for a drainage plan cross lot access and conformance to current access management standards will be recorded with the Register of Deeds. The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved to concur with the findings of the MAPC and that the zone change, subject to the recommended provisions of the Protective Overlay be approved and the ordinance placed on first reading. Motion carried 7 to 0.

--carried

## ORDINANCE

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**ZON2005-00057**

**ZON2005-00057-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD RETAIL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF CRANBROOK. (DISTRICT II)**

Agenda Report No. 06-0299

MAPC Recommendations: Approve, subject to Protective Overlay #170 (10-0).

MAPD Staff Recommendations: Approve, subject to Protective Overlay #170.

DAB Recommendations: Approve, subject to Protective Overlay #170 (9-0).

The applicant requests a zone change from "SF-5" Single-family Residential to "NO" Neighborhood Office with a Protective Overlay on an 8.4-acre platted lot located south of 21st Street and west of

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Cranbrook for office development. The subject property includes a platted lot and reserve containing a detention pond. The applicant has volunteered a Protective Overlay (PO), which would eliminate several uses in the NO zone, require specific screening and landscaping standards and limit the density of residential development; refer to proposed ordinance with the proposed PO.

The surrounding area is characterized by commercial uses at the 21st Street and Webb Rd. intersection, 800 feet west of the site. Single-family residential development exists to the north, south and east of the site. A "NO" zoned office development is east of the site (rezoned in 2001), and a "B" Multi-family zoned apartment development sits west of the site.

The MAPC heard this request on January 19, 2006 and several opposed neighbors spoke at that hearing. The MAPC deferred the request and instructed the applicant to meet with the opposed neighbors. DAB II heard this request on February 6, 2006 and deferred the request for one month. The MAPC heard the request for a second time on February 16, 2006. The applicant had revised his request and modified the proposed Protective Overlay (PO), causing neighbors to withdraw their protest of the request. The MAPC approved the request subject to the proposed PO 10-0. DAB II re-heard this request on March 6, 2006; the DAB also recommended approval of the request subject to the proposed PO. Numerous protest petitions were originally filed for this case; however, most were withdrawn. The resulting protest percentage is 17.39%.

The resolution has been reviewed and approved as to form by the Law Department.

Motion--  
--carried

Mayans moved to adopt the findings of the MAPC; the zone change be approved and the ordinance placed on first reading. Motion carried 7 to 0.

## ORDINANCE

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ZON2006-00002

**ZON2006-00002-ZONE CHANGE FROM GENERAL OFFICE TO LIMITED COMMERCIAL. GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CENTRAL AND ST. PAUL. (DISTRICT VI)**

Agenda Report No. 06-0300

MAPC Recommendations: Approve, subject to Protective Overlay #169 (8-2).

MAPD Staff Recommendations: Approve, subject to Protective Overlay #169.

DAB Recommendations: Approval of rezoning to "LC" Limited Commercial subject to the Protective Overlay as designated by the MAPD (11-0).

The applicant requests a zone change for the subject property from "GO" General Office to "LC" Limited Commercial. The subject property is located at the southwest corner of Central and St. Paul Avenue and is currently undeveloped.

The surrounding area is characterized by commercial and office uses along Central and residential uses on St. Paul Avenue. The property to the north, which is also owned by the applicant, is zoned "LC" Limited Commercial and developed with a small office. The property to the east is zoned "LC" Limited Commercial and is developed with a drinking establishment and a small strip retail center. The properties to the west and south are zoned "LC" Limited Commercial and "TF-3" Two-family and are developed with single-family residences. Upon approval of this rezoning request, the intention of the applicant is to demolish the office on the adjacent property to the north and develop it in conjunction with the subject property.

Several issues exist with this case. First, is the importance to protect the residential neighborhood to the south from further encroachment by commercial uses and limiting the commercial uses to arterial

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adjacency, as recommended in the Comprehensive Plan. Second, due to the proximity to surrounding Single-family Residential uses, lighting is a concern. Third, the applicant's plan for the property raises the issue of access management. Finally, when the subject parcels were replatted in 1982, the City received eight feet of additional right-of-way for St. Paul Avenue. Therefore, the east property line is situated eight feet to the west of the east property line of the applicant's adjoining parcels, which creates an uneven right-of-way. This could be an issue in the future, depending upon the eventual development proposal. The applicant has offered this right-of-way dedication by separate instrument as a condition of approval. Staff recommendation is to address the aforementioned issues with Protective Overlay #169.

Additionally, the applicant had requested a reduction in the compatibility setback requirements as part of the Protective Overlay. However, such a request cannot be authorized by a Protective Overlay and will need to be submitted by way of an Administrative Adjustment.

At the District VI Advisory Board meeting held February 6, 2006, the Board voted (11-0) to approve the requested zone change for the property (approximately 0.51 acres) zoned "GO" General Office to "LC" Limited Commercial and subject to a protective overlay. There were no DAB comments. No area residents spoke in opposition.

At the MAPC meeting held February 16, 2006, MAPC voted (8-2) to approve the requested zone change subject to the protective overlay provisions. The Commission discussed screening of the property along the south and west property lines with a screening wall in combination with the backs of the buildings (with no service areas and access on the rear of the buildings). A Commission member asked about the staff recommendation for right-of-way dedication on the applicant's adjacent parcels, which the applicant has agreed to dedicate by way of separate instrument. The applicant requested a minor change in the staff recommendation in reference to the landscape buffering recommendations along the west property line, which is reflected in the MAPC motion and subsequent vote. No citizens spoke in favor or opposition to the application. No formal protest petitions were filed.

Staff received phone calls from three area residents. All were generally in favor of the proposal. However, each expressed concern with allowing another tavern or nightclub in the area, which is only allowed by way of Conditional Use.

Per MAPC recommendation, Protective Overlay #169 reads as follows:

1. The Protective Overlay shall include: Lots 1 & 2, Block A, J.O. Davidson's 3rd Addition.
2. If a reduction in compatibility setbacks is approved by Administrative Adjustment:
  - a. There shall be no door or window openings in any exterior building wall adjacent to such setbacks;
  - b. No outdoor work and storage, including but not limited to trash receptacles, shall be permitted within such setbacks;
  - c. A landscape buffer shall be provided at 1.0 times the requirements of the Landscape Ordinance within the west setback and 1.5 times the requirements of the Landscape Ordinance within south setback.
3. The applicant shall dedicate by separate instrument eight feet of right-of-way along the east property line of Lots 1, 3, & 5, Block 5, J.O. Davidson's 2nd Addition.
4. Access onto Saint Paul Avenue shall be no closer than 100 feet to the Central right-of-way line.
5. All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the Unified Zoning Code. No proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet. No pole lights shall be located within any of the building setback areas.
6. All signage shall comply with City of Wichita Sign Code, except that ground signs shall not be allowed on Saint Paul Avenue on Lots 1 & 2, Block A, J.O. Davidson's 3rd Addition.

The ordinance has been reviewed and approved as to form by the Law Department.

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Motion--

Mayans moved that the findings of the MAPC be adopted and the zone change subject to an eight-foot right-of-way dedication by separate instrument on the applicant's adjacent parcels (Lot 1 except part dedicated for street & all of lots 3 & 5 & 1/2 vacated alley adjacent on west) and subject to the additional conditions of Protective Overlay #169 be approved and instruct the Planning Department to forward the ordinance for first reading when the dedication is forwarded to City Council. Motion carried 7 to 0.

--carried

## ORDINANCE

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**ZON2006-00003**

### **ZON2006-00003-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL. GENERALLY LOCATED SOUTHEAST OF 8TH STREET AND GILDA. (DISTRICT V)**

Agenda Report No. 06-0301

MAPC Recommendations: Approve, (9-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve, with a protective overlay that a maximum of three living units could be built (9-0).

The application area consists of an undeveloped, platted lot located south of 8th Street and east of Gilda, west of I-235. The .36-acre site is zoned "SF-5" Single-family Residential, and the applicant requests "MF-18" Multi-family Residential zoning to allow for duplex development. Under MF-18 zoning, the applicant could develop two duplexes on the site without a lot split.

Property north of the site is zoned "B" and "MF-18" Multi-family Residential with a CUP (DP 70, Sandpiper Bay) and is developed with a nursing home and town homes. South and west of the site are SF-5 zoned single-family residences. East of the site is I-235. One MF-18 lot and several TF-3 lots are in the surrounding area.

DAB V heard this request on February 6, 2006, and DAB members expressed concerns about off-street parking. The applicant stated a desire to build no more than three dwelling units. DAB V recommended approval of the request by a vote of 9-0, subject to a Protective Overlay limiting the site to three dwelling units. MAPC heard this request on February 16, 2006. No citizens were present to speak in opposition to the zone change request. The action of the MAPC was to approve 9-0 as a consent item, subject to staff recommendations that did not include a Protective Overlay.

The resolution has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the findings of the MAPC be adopted and approve the zone change and place the ordinance on first reading. Motion carried 7 to 0.

--carried

## ORDINANCE

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IVY CHRISTINE

**S/D98-122-PLAT OF IVY CHRISTINE SECOND ADDITION, LOCATED WEST OF HOOVER AND SOUTH OF MAPLE LANE. (DISTRICT V)**

Agenda Report 06-0302

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of four lots on 2.27 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District.

A Petition for paving improvements, 61.22 percent, was approved by the City Council on November 1, 2005. A Petition for water improvements, 100 percent, and a Certificate of Petitions have also been submitted. This site is located within the noise impact area of Wichita Mid-Continent Airport; therefore, an Avigational Easement and Restrictive Covenant have been submitted. An Easement for Ingress and Egress has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Avigational Easement, Restrictive Covenant and Easement for Ingress and Egress will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolution adopted. Motion carried 7 to 0.

**RESOLUTION NO. 06-148**

Resolution of findings of advisability and resolution authorizing constructing of Water Distribution System Number 448-90139 (south of Maple, west of Hoover) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2006-13

**STREET IMPROVEMENT AGREEMENT FOR LOT SPLIT NO. SUB2006-13, LOT 5, TIMMERMEYER GARDENS ADDITION, LOCATED NORTH OF 29TH STREET NORTH AND EAST OF HOOD. (DISTRICT VI)**

Agenda Report No. 06-0303

This No-Protest Agreement is associated with Lot Split Case No. SUB 2006-131 and is for the future paving of Woodland Avenue.

The lot split will allow for the creation of one additional lot zoned SF-5, Single-family Residential District. This Agreement assures the City of Wichita that this property will be included in the paving improvements and that the owners have waived their right to protest said paving improvement.

There are no financial considerations.

The No-Protest Agreement will be recorded with the Register of Deeds.

Motion --  
-- carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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SUB2005-147

## **SUB2005-147-K-96 BUSINESS PARK ADDITION, LOCATED ON THE NORTHWEST CORNER OF 29TH STREET NORTH AND GREENWICH ROAD. (DISTRICT II)**

Agenda Report No. 06-0304

This site, consisting of one lot on 21.4 acres, is adjoining Wichita's city limits. Since annexation is a condition for approval of this plat, the corresponding annexation case (A06-08R) is scheduled on the same agenda. The site has been approved for a zone change (ZON 2005-32) from SF-20, Single-Family Residential District to LI, Limited Industrial District. A Protective Overlay (P-O #162) was also approved for this site, and a Notice of Protective Overlay addressing uses, outside storage, screening, signage and building height has been submitted.

Analysis: A Petition, 100 percent, and a Certificate of Petitions have been submitted for water, sewer and paving improvements. A Cross-lot Drainage Agreement has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

There are no financial Considerations.

The Notice of Protective Overlay, Certificate of Petitions and Cross-lot Drainage Agreement will be recorded with the Register of Deeds.

Motion --

Mayans moved to approve the documents and plat; authorize the necessary signatures; adopt the Resolutions; and place the Ordinance of first reading with publication being withheld until such time as the plat is recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

### RESOLUTION NO. 06-149

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System No. 448-90175 (north of 29<sup>th</sup> Street North, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### RESOLUTION NO. 06-150

Resolution of findings of advisability and resolution authorizing construction of Lateral 8, Main 26, War Industries Sewer 468-84155 (north of 29<sup>th</sup> Street North, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### RESOLUTION NO. 06-151

Resolution of findings of advisability and resolution authorizing constructing a decel lane on the west side of Greenwich Road to serve the major opening into Lot 1, Block 1, K-96 Business Park Addition, 472-84385 (north of 29<sup>th</sup> Street North, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, introduced and under the rules laid over. (ZON 2005-32)

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A06-08

**A06-08R-REQUEST BY CONNIE D. TATUM, OF K96, LLC, AND ROGER WINSBY, OF VELMA JENSEN WINSBY REAL ESTATE TRUST, TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION AT GREENWICH ROAD AND 29TH STREET NORTH. (DISTRICT II)**

Agenda Report No. 06-0305

The City has received a request to annex 20 acres of land generally located northwest of the intersection at Greenwich Road and 29th Street North. The annexation area abuts the City of Wichita to the west and south. The property owner anticipates that the proposed property will be developed with approximately 450,000 sq. ft. of industrial property.

**Analysis: Land Use and Zoning:** The proposed annexation consists of approximately 20 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single Family Residential. On September 28, 2005, the Board of County Commissioners approved a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial subject to platting within one year and subject to Protective Overlay District #162 conditions. A plat is currently under review and upon plat approval; the subject property's zoning will change to "LI" Limited Industrial. Property directly to the south is zoned "LI" Limited Industrial and is currently vacant. Property to the west is zoned "SF-5" Single-Family Residential and is currently vacant, but is currently being developed as the Northeast Sports Complex. Property to the north of the subject property is zoned "SF-5" and "SF-20" Single-Family Residential and is currently vacant, while property to the east is zoned "RR" Rural Residential and "SF-5" Single-Family Residential. The property to the east is currently developed with one residence and a few outbuildings.

**Public Services:** The nearest water line is a 16" line located near the southeast corner of the subject property, and the nearest sewer line is a 12" line also located at the southeast corner of the subject property. These lines will be extended as part of the platting and development process.

**Street System:** The subject property borders Greenwich Road to the east, which is a paved, two-lane road. The subject property also borders 29th Street to the south, which is a paved, two-lane local road west of Greenwich Road. 29th Street, east of Greenwich Road, is currently a dirt road. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled Greenwich Road to be reconstructed and widened, between Central and 29th Street, which is southeast of the subject property. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a three (3) to four (4) minute approximate response time from City Station No. 18, located at 2808 North Webb. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

**Parks:** The Northeast Sports Complex, a 60-acre park, is located along the west edge of the proposed annexation site and is currently being developed for youth athletics. According to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed south of the subject property to the south of 29th Street. In addition, a pathway has been proposed north of the subject property.

**School District:** The annexation property is part of the Unified School District 375 (Circle School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

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The current approximate appraised value of the proposed annexation lands, according to County records, is \$2,550 with a total assessed value of \$765. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$24 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that approximately 450,000 sq. ft. of industrial property will be developed within the next four years. The total appraised value of this industrial development after completion is estimated at \$12,750,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$100,107 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A06-08)

## AIRPORT AGENDA

Motion--  
--carried

Mayans moved that the Airport Consent items 46 to 55 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## TENANT FACILITY

## TENANT FACILITY IMPROVEMENTS.

Agenda Report No. 06-0306

Tenant Facility Improvements are included in the 2006 Capital Improvement Program.

Improvements including new carpet, paint, and some window replacements will be made to the facility at 1935 Midfield Road.

This facility was constructed and occupied by Honeywell for 25 years. During that time, in consideration for the tenant's investment in constructing the facility, only land rent was paid to the WAA. Honeywell currently occupies a new facility on Mid-Continent Airport and no longer requires use of this facility. The WAA is now desirous of leasing the facility at fair market rental value to a new tenant. The estimated cost of the improvements is \$37,000. Rent earned during the first year will offset the cost of these improvements. The project will be funded with General Obligation Bonds paid with Airport revenue.

The Law Department has approved the Authorizing Resolution as to legal form.

Motion--  
--carried

Mayans moved that the project be approved; the resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. A-06-006

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## **CAR CONCESSIONS    SUPPLEMENTAL AGREEMENTS-TERMINAL BUILDING, RENTAL CAR CONCESSIONS.**

Agenda Report No. 06-0307

The Wichita Airport Authority has agreements with seven companies to provide car rental services to the traveling public. These companies operate from ticket counters located near the baggage claim in the east end of the terminal building. The terms of the agreements are consistent for all seven companies, and include the following: Avis, Budget, Dollar, Enterprise, Hertz, National (which dual brands with Alamo) and Thrifty.

The Wichita Airport Authority is currently in the process of developing plans for the new terminal building. In that the terminal project is in the early development stage, it is prudent to extend the existing agreements until a plan has been developed for deciding how rental car agencies will be handled in the new terminal building. It is recommended that the agreements be extended through November 30, 2009, and then continued month-to-month until the new terminal building is ready for occupancy.

Rental car agencies pay 10% of gross receipts to the WAA. In addition, they pay ticket counter rental and a monthly fee for spaces in the ready car lot. Ticket counter rentals are adjusted on an annual basis. This practice would continue throughout the remaining term of the Supplemental Agreements.

The Supplemental Agreements have been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **HERTZ CORP.**

### **S.A. NO. 1-THE HERTZ CORPORATION.**

Agenda Report No. 06-0308

The WAA currently leases approximately five acres of land on Wichita Mid-Continent Airport to the Hertz Corporation to accommodate a rental car service center to serve users of the airport. The initial term of the agreement expired November 30, 2004; however, the agreement includes one ten-year option to renew the agreement. Hertz is desirous of exercising the option, effective December 1, 2004 through November 30, 2014.

Hertz occupies a 4,550 sq.ft. facility located on Wichita Mid-Continent Airport. The agreement states that facility rental during the renewal option shall be subject to the negotiation of all rental rates and charges, including the land and all facilities located thereon.

Independent appraisals were solicited by both the WAA and Hertz. A negotiated rental rate of \$6.50/sq.ft. commencing December 1, 2004, is recommended which will yield \$29,565 per year to the WAA for facility rent. In addition, \$53,933 will be generated for land rent, for a total annual rent of \$83,507. Facility rent will remain the same throughout the extension; however, land rent will escalate at the rate of five percent each year.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement No. 1 be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## LANDSMEN

### S.A. NO. 1-THE WICHITA LANDSMEN, LLC D/B/A BUDGET RENT A CAR OF KANSAS.

Agenda Report No. 06-0309

The WAA currently leases 3.51 acres of land on Wichita Mid-Continent Airport to the Wichita Landsmen, LLC d/b/a Budget Rent A Car of Kansas to accommodate a rental car service center to serve users of the airport. The initial term of the agreement expired November 30, 2004; however, the agreement includes two ten-year options to renew the agreement. Budget is desirous of exercising the option, effective December 1, 2004 through November 30, 2014.

Budget occupies a 10,523 sq.ft. facility located on Wichita Mid-Continent Airport. The agreement states that facility rental during the renewal options shall be paid at the rate of 50% of the then-current market rental value of the facility (excluding land) to be determined by an independent appraiser mutually selected by the parties.

Independent appraisals were solicited by both the WAA and Budget. The appraisals yielded a difference in the recommended facility rental rate. To address the disparity, it was agreed that facility rent during the first year of the extension would be forgiven in exchange for paying a higher rental rate per sq. ft. for the remaining nine years of the extension. A negotiated rental rate of \$5.25/sq.ft. @ 50%, commencing December 1, 2005, is recommended which will yield \$27,622.88 per year to the WAA. In addition, \$9,951.76 will be generated for land rent, for a total annual rent of \$37,574.64. Facility rent will remain the same throughout the extension; however, land rent will escalate one-half cent after five years.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement No. 1 be approved and the necessary signatures authorized. Motion carried 7 to 0.

## MIDWEST CAR

### S.A. NO. 1-MIDWEST CAR CORPORATION D/B/A NATIONAL CAR RENTAL.

Agenda Report No. 06-0310

The Wichita Airport Authority has an agreement with Midwest Car Corporation d/b/a National Car Rental for use of a small strip of land, which provides an access road from their service center to Airport Road.

National Car Rental is a contract concessionaire in the terminal building, and operates a service center from an off-airport location. In 1988, the Wichita Airport Authority approved an agreement with National, which allowed them to use 2,322 sq.ft. of land on which to construct an asphalt driveway to facilitate access to the airport. The termination date of this agreement coincides with the termination date of the concession agreement. It is recommended that this agreement be extended through November 30, 2009, and then continued month-to-month until a decision is made as to which rental car agencies will provide services from the new terminal building.

The supplemental agreement includes land rent per the established WAA policy. Rent for the first year of this extension is \$575.62, and increases at the rate of 5% each year.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the S. A. No. 1 be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## **TAXIWAY “A”, “A-1” AIRFIELD PAVEMENT, TAXIWAY “A”, “A-1”, AND NORTH GENERAL AVIATION TAXILANE RECONSTRUCTION.**

Agenda Report No. 06-0311

On July 13, 2004 the Wichita Airport Authority approved a construction contract with Cornejo & Sons for the project.

A change order has been prepared to address changes during construction.

The cost of the change order is \$58,702.38. The change order has been approved by the Federal Aviation Administration and will be funded with the approved federal grant and Passenger Facility Charges. Total change orders are approximately one-percent of the contract amount. An increase in the capital budget of the same amount is requested.

The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the change order and capital project budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **SECURITY GATE “E” SECURITY GATE “E” PAVING IMPROVEMENTS, CHANGE ORDER 1.**

Agenda Report No. 06-0312

On October 18, 2005 the Wichita Airport Authority approved a construction contract with Cornejo & Sons, Inc. for Security Gate “E” Paving Improvements.

A final change order has been prepared to allow for adjustment of quantities and contract time.

The change order of \$99.20 is within the budget and will be funded with Airport Revenue. Total change orders are less than one percent of the original contract amount.

The Law Department has approved the change order.

Motion--  
--carried

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **ENVIRON. ASSESS. AIRPORT IMPROVEMENT PROGRAM, ENVIRONMENTAL ASSESSMENT.**

Agenda Report No. 06-0313

On February 7, 2006 the Wichita Airport Authority approved a contract for consulting services for the Environmental Assessment. At that time it was noted that an FAA grant would pay for 95% of the contract.

Funds are now available and staff has prepared a grant application to submit to the FAA.

A grant application has been prepared in the amount of \$104,572 for this purpose. The Airport’s matching portion of five-percent will be funded with Airport Passenger Facility Charges, and General Obligation Bonds paid for with airport revenue.

Motion--  
--carried

Mayans moved that the grant application and receipt of funds be approved and the Director of Airports authorized to sign the documents related to the grant. Motion carried 7 to 0.

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## **ROTATING BEACON    AIRPORT IMPROVEMENT PROGRAM, ROTATING BEACON.**

Agenda Report No. 06-0314

On February 28, 2006 the Wichita Airport Authority approved the construction bid and budget adjustment for the relocation of the Rotating Beacon. At that time it was noted that an FAA grant would pay for a portion of the project.

Funds are now available, and staff has prepared a grant application to submit to the FAA.

A grant application has been prepared in the amount of \$340,262 for this purpose. The Airport's matching portion of five-percent and approximately \$65,000 of expenses ineligible for grant participation will be funded with G.O. bonds paid with airport revenue.

Motion--  
--carried

Mayans moved that the grant application and receipt of funds be approved and the Director of Airports authorized to sign the documents related to the grant. Motion carried 7 to 0.

## **MIDFIELD DEV.    MIDFIELD ROAD SITE DEVELOPMENT.**

Agenda Report No. 06-0315

On September February 28, 2006 the Wichita Airport Authority approved the bid of Atlas Electric for the relocation of the rotating beacon as part of the Midfield Road Site Development.

During construction, resident engineering and construction-related services are necessary in order to comply with Federal requirements. A supplemental agreement with Professional Engineering Consultants has been prepared to authorize the necessary construction related services.

The cost of the construction-related service is \$48,802 and will be paid for with a FAA grant and General Obligation bonds paid with Airport Revenue. Funds are available in the current budget.

The Law Department has approved the Supplemental Agreement.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **CITY COUNCIL**

### **BOARD APPTS.    BOARD APPOINTMENTS.**

Council Member Martz    Council Member Martz requested that Jan McKay to the Cultural Arts Funding Review Committee.

Council Member Skelton    Council Member Skelton requested that Andy Sulter to the Board of Park Commissions.

Motion--carried    Mayans moved that the appointments be made. Motion carried 7 to 0.

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## RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 11:30 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, contract negotiations, preliminary discussions relating to the acquisition of real property for public purposes and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 1:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

**RECONVENE** The City Council reconvened in the City Council Chambers at 1:00 p.m. Mayor Mayans stated that no action was taken.

Motion--carried Mayans moved to close the Executive Session at 1:00 p.m. Motion carried 4 to 0, (Brewer, Fearey and Schlapp were not present)

Motion--carried Mayans moved to close the regular meeting at 1:01 p.m. Motion carried 4 to 0, (Brewer, Fearey and Schlapp were not present)

**ADJOURNMENT** The City Council meeting adjourned at 1:01 p.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk

\*\*\*Workshop followed in the First Floor Board Room\*\*\*